



**GUIDELINES
FOR THE HANDLING
OF
SEXUAL HARASSMENT
IN THE
SOUTH AFRICAN POLICE SERVICE**

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of the Masters Degree in Social Work at
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BY

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DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis/study is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

ABSTRACT

Sexual harassment is an old problem for the women who are its victims but is relatively new as a social issue. Studies carried out in South Africa and internationally indicate that sexual harassment is a problem in virtually every organisation and that a substantial proportion of working women are the recipients of unwanted sexual attention in the workplace.

A number of misconceptions, myths as well as stereotyping regarding sexual harassment in the workplace have added to the frustration female employees experience in trying to have their sexual harassment complaints recognised. Like many organisations, the South African Police Service (SAPS) knows the problem exists, but is unaware of its full extent or the destructive effects it has on employees and the workplace.

As sexual harassment usually occurs in private, the women in the SAPS who are being harassed usually do not know how to react or how to handle the harassing situation and consequently suffer in silence. Most female employees despair of having the traditionally male dominated management component in the SAPS understand how much sexual harassment humiliates and frustrates them. They also despair of having the support of managers in addressing the problem of sexual harassment in the workplace.

Even though the SAPS has a sexual harassment policy, the problem of sexual harassment continues to occur in the workplace. The only protection for the organisation and its employees, is prevention, or lacking that, immediate and appropriate action, following notification of a sexual harassment complaint. Prevention is only likely when the sexual harassment policy has been well communicated to all parties and enforced consistently and fairly. In her capacity as a social worker in the SAPS, the researcher became aware that even though managers and employees are aware that this type of misconduct occurs, they avoid addressing this sensitive issue because of a lack of proper guidelines.

Therefore, the aim of the study was to present guidelines for the composition of a training programme for the implementation of the existing policy document regarding the handling of sexual harassment in the SAPS. The purpose was to ensure that intervention and prevention of sexual harassment in the SAPS will be handled more effectively. Existing literature on the subject of sexual harassment was studied and presented in a theoretical framework.

The history, legislation and dimensions of sexual harassment in the workplace i.e. internationally as well as in South Africa and the SAPS, were discussed. The development and consequences of sexual harassment for the organisation and all employees concerned were emphasized. Preventative measures and implementation guidelines for addressing sexual harassment in the SAPS, were explored. The prevalence of sexual harassment in the

workplace and the subsequent experience(s) of and effects on female employees regarding such harassment (in the SAPS) is brought into focus.

Exploratory - descriptive research was done with the aid of a questionnaire as an instrument for data-collection, at police stations in one area of the West Metropole in the SAPS (Western Cape) where social workers are rendering services. The opinions and attitudes of female employees with regard to their experience(s) or knowledge of the occurrence and the handling of sexual harassment in the SAPS, were determined. Information obtained from the questionnaire is presented in six categories, namely : demographic characteristics of respondents, behaviour of male employees toward female employees, the person(s) responsible for the sexual harassment incident, reactions to the sexual harassment incident, effects of sexual harassment experience(s) on women as well as on the workplace and the addressing of sexual harassment in the workplace.

Conclusions and recommendations are made regarding the opinions, knowledge and sexual harassment experiences of female employees in the SAPS as well as how sexual harassment should be handled by various parties such as managers and social workers employed by the SAPS. The implementation of a sexual harassment training programme can be of great value to the South African Police Service and all its employees, provided the staff at management level, professional personnel (social workers, psychologists and personnel practitioners) and all other levels of employees commit themselves to working together on addressing and preventing sexual harassment in the workplace. Regular evaluations should be done by the social worker after the sexual harassment training programme has been implemented, in order to determine the effectiveness of the prevention training programme for addressing sexual harassment in the SAPS. Social workers in the SAPS should endeavour to clarify the extent of the problem of sexual harassment and should bring the seriousness of the problem to the attention of managers and all other employees. Social workers therefore have a crucial role in assisting with the implementation of the organisation's sexual harassment policy and in doing further research regarding sexual harassment in the workplace.

OPSOMMING

Seksuele teistering is 'n ou probleem vir die vroue wie die slagoffers daarvan is, maar dit is relatief nuut as 'n sosiale kwessie. Studies wat in Suid-Afrika en internasionaal uitgevoer is, dui aan dat seksuele teistering 'n probleem in feitlik elke organisasie is en dat 'n aansienlike getal werkende vroue ongewenste seksuele aandag in die werkplek ervaar.

Die bestaande wanopvattinge, mites sowel as stereotiperings wat in die werkplek voorkom rakende seksuele teistering, dra by tot die frustrasie wat vroulike werknemers ervaar in hul poging om die bestuur hul klagtes oor seksuele teistering te laat insien. Soos baie organisasies, is die Suid-Afrikaanse Polisie (SAPD) bewus dat die probleem voorkom, maar onbewus van die omvang daarvan of die skadelike gevolge wat dit inhou vir werknemers en die werkplek.

Aangesien seksuele teistering gewoonlik plaasvind in privaatheid, weet die vroue in die SAPD wat geteister word gewoonlik nie hoe om te reageer of hoe om die teisterende situasie te hanteer nie. Gevolglik ly hulle in stilte. Baie vroulike werknemers is in vertwyfeling oor hoe om die bestuurskomponent in die SAPD, wie tradisioneel oorheers word deur mans, te laat besef hoe vernederend en frustrerend seksuele teistering vir hulle is. Hulle is ook desperaat om die ondersteuning van bestuurders te kry ten einde die probleem van seksuele teistering in die werkplek aan te spreek.

Alhoewel die SAPD oor 'n beleidsdokument vir seksuele teistering beskik, kom die probleem van seksuele teistering steeds voor in die werkplek. Die enigste beskerming vir die organisasie en die werknemers, is voorkoming of indien dit ontbreek, onmiddellike en gepaste optrede nadat 'n klage van seksuele teistering aangemeld word. Voorkoming kan slegs geskied indien die beleid ten opsigte van seksuele teistering, goed bekend gemaak word aan alle partye en dit konsekwent en regverdig toegepas word. Die navorser het in haar kapasiteit as maatskaplike werker in die SAPD bevind dat alhoewel bestuurders en werknemers bewus is dat hierdie tipe misdryf voorkom, hulle die hantering van die sensitiewe probleem ontwyk as gevolg van 'n gebrek aan behoorlike riglyne.

Die doel van die studie was gevolglik om riglyne daar te stel vir die samestelling van 'n opleidingsprogram vir die implementering van die bestaande beleidsdokument vir die hantering van seksuele teistering in die SAPD. Die doel was om te verseker dat intervensie en voorkoming van seksuele teistering meer effektief hanteer sal word in die SAPD. Bestaande literatuur ten opsigte van die onderwerp van seksuele teistering is bestudeer en aangebied in 'n teoretiese raamwerk.

Die geskiedenis, wetgewing en omvang van seksuele teistering op internasionale vlak, sowel as in Suid-Afrika en die SAPD is bespreek. Die ontwikkeling en gevolge van seksuele teistering vir die organisasie en al die betrokke werknemers is beklemtoon. Voorkomingsmaatreëls en riglyne vir die implimentering van die bestaande beleidsdokument oor seksuele teistering in die SAPD is verken. Die voorkoms van seksuele teistering in die werkplek en die gevolglike ervaring(s) en effek daarvan op vroulike werknemers in die SAPD is in fokus gebring.

‘n Verkennde-beskrywende studie is gedoen met behulp van ‘n vraelys, as instrument vir data-versameling, by polisiestasies in een area van die Wes-Metropool in die SAPD (Wes-Kaap) waar maatskaplike werkers dienste lewer. Die opinies en houdings van vroulike werknemers met betrekking tot hul ervaring(s) of kennis is bepaal ten opsigte van die verskynsel en die hantering van seksuele teistering in die SAPD. Inligting verkry vanaf die vraelys, is aangebied in ses kategorieë naamlik : demografiese kenmerke van respondente, gedrag van manlike werknemers teenoor vroulike werknemers, die persoon verantwoordelik vir die seksuele teisterende insident, reaksies ten opsigte van die seksuele teisterende insident, effekte wat die seksuele teistering ervaring(s) vir die vroue en die werkplek inhou asook die aanspreek van seksuele teistering in die werkplek.

Gevolgtrekkings en aanbevelings is gemaak rakende die opinies, kenmerke en ervarings van vroulike werknemers ten opsigte van seksuele teistering in die SAPD, asook ten opsigte van die hantering van seksuele teistering deur die verskeie partye soos, byvoorbeeld bestuurders en maatskaplike werkers in diens van die SAPD. Die implementering van ‘n opleidingsprogram ten opsigte van seksuele teistering kan waardevol wees vir die Suid-Afrikaanse Polisiediens en al die werknemers mits die bestuurders, professionele personeel (maatskaplike werkers, sielkundiges en menslike hulpbronbestuur) hulself verbind tot samewerking ten opsigte van die aanspreek en voorkoming van seksuele teistering in die werkplek. Gereelde evaluering deur die maatskaplike werker moet gedoen word na die implementering van die seksuele teistering opleidingsprogram, ten einde die effektiwiteit van die voorkomingsprogram te bepaal vir die aanspreek van seksuele teistering in die SAPD. Maatskaplike werkers in die SAPD moet hulself beywer om duidelikheid te verkry oor die omvang van die probleem van seksuele teistering en moet die erns van die probleem onder die aandag bring van bestuurders en alle ander werknemers. Maatskaplike werkers het dus ‘n beslissende ondersteuningsrol om te vervul ten opsigte van die implimentering van die organisasie se beleid vir seksuele teistering, asook om verdere navorsing ten opsigte van seksuele teistering in die werkplek aan te moedig.

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CHAPTER 1

INTRODUCTION

1.1 MOTIVATION FOR THE STUDY

Sexual harassment has only been conceptualized and legalised in the 1980's (Singer 1995:2148). Although public awareness of sexual harassment as an important issue, has only recently been attained, the sexual harassment of women has been a problem for as long as women have worked outside their homes (Fitzgerald and Hesson-McInnes 1988:152, Spann 1990:55). Sexual harassment can thus be described as an old problem for its victims and potential victims, but a relatively new one for public concern and debate.

Despite the growing public attention devoted to the subject of sexual harassment internationally, little formal theory has emerged and basic definitional issues remain unresolved. However, nowadays most employers have realized that a distinction should be made between acceptable and unacceptable sexually orientated behaviour in the workplace. Research, both internationally and in South Africa, has proven that sexual harassment has become a major concern to employers as they have become aware of its financial and environmental costs as well as the cost to morale in the workplace (Prekel 1989:34, Wagner 1992:1). In the South African Police Service (SAPS) minimal research has thus far been done regarding the occurrence and consequences of sexual harassment in the workplace. The researcher believes that research regarding sexual harassment in the SAPS will not only reflect the reality of the prevalence of sexual harassment in the organisation, but will also emphasize the financial, legal and personal costs to the organisation, harassees and those living and working with them. The manner in which sexual harassment complaints should be addressed will also be clarified.

Stringer, Renick, Salisbury and Ginorio (1990:43) indicate that employers have realized that this sensitive issue can be difficult to deal with, disruptive to the workplace and disagreeable to all concerned. Parties to the National Negotiation Forum of the SAPS have signed an agreement on 28 May 1998 regarding a policy document on sexual harassment in order to address this form of abuse.

Like many other organisations, few cases of sexual harassment have thus far been reported in the SAPS. According to the office of the National Disciplinary Officer, 138

complaints of rape and 30 complaints of other forms of sexual harassment have been made by female employees in the SAPS for the period of 1997-08-30 to 1998-07-30.

This is in line with the universally recognized truth that sexual harassment complaints represent a very small percentage of actual harassment situations in organisations (Wagner 1992:2).

The National Negotiation Forum of the SAPS has identified a need for the development of an implementation programme in order to ensure that the policy guidelines regarding sexual harassment will be utilized effectively. Minimal progress has thus far been made with regards to the development of the aforementioned implementation programme, as priorities in the SAPS seem to fluctuate.

The researcher's contact with victims of harassment has generated a further interest in exploring the incidence of this phenomenon in the SAPS as these victims generally do not know how to deal with this form of abuse or are too afraid to take action. Another motivating factor for embarking on this study is the researcher's experience of the apathy and lack of seriousness with which sexual harassment is regarded by many SAPS employees (especially males). It is experienced that sexual harassment tends to be regarded by some of these employees as an office joke which consequently results in victims suffering in silence.

In terms of Regulation 18(34) of the SAPS Discipline Regulations, 1996, sexual harassment is regarded as a misconduct. In her capacity as a social worker in the SAPS, the researcher became aware that even though managers and employees in the SAPS are aware that this type of misconduct occurs, they avoid addressing this sensitive issue because of a lack of proper guidelines. A possible outcome of this study, could be that employees (especially women and managers/supervisors) will be made aware of the existing policy on sexual harassment and that the practical guidelines offered for addressing sexual harassment in the SAPS will be used constructively to implement the policy and to address this phenomenon in the workplace.

Addressing this volatile phenomenon in this non-traditional occupational setting for women is regarded as a major challenge as the SAPS largely remains a male dominated organisation where limited time and energy is spent on addressing women's issues.

1.2 AIM AND OBJECTIVES

The aim of the study was to present guidelines for the composition of a training programme for the implementation of the existing policy regarding the handling of sexual harassment in the South African Police Service.

The following objectives have been formulated to achieve this aim:

- ~ To describe the nature and dimensions of the occurrence of sexual harassment in the workplace from a South African and international perspective.
- ~ To explain policy issues and the contents of a programme to prevent and address sexual harassment in the SAPS.
- ~ To investigate female employees' opinions on and awareness of the occurrence and the handling of sexual harassment in the SAPS.
- ~ To present demographic information on the prevalence, negative effects and actual experience of sexual harassment by female employees in the SAPS.

1.3 DEMARCATION OF THE FIELD OF RESEARCH

Social Work Services in the SAPS (Western Cape) are rendering services in the East and West Metropole areas of the Western Cape. The East Metropole is subdivided into five areas of service delivery and the West Metropole into four areas of service delivery. The researcher selected one of the areas in the Western metropole to do the survey. This area was chosen because it was the most accessible to the researcher. The chosen area included the police stations situated in the following areas: Athlone, Grassy Park, Lansdowne, Manenberg, Mitchells Plain, Pinelands and Wynberg.

1.4 RESEARCH METHODOLOGY

For the purpose of this investigation a literature and empirical study were undertaken.

1.4.1 Literature Study

South African and international literature on sexual harassment, from a social work perspective as well as from related fields, have been consulted. Literature on sexual harassment from related disciplines like industrial sociology, organisation theory, industrial and organisational psychology, organisational behaviour and management and manpower management provided valuable insights.

Articles, journals, books and audio visual material relevant to the subject were obtained from different libraries. Numerous international bibliographies were researched and these proved to be a valuable reference resource.

1.4.2 Empirical Study

To achieve the aim and objectives of this study an exploratory study was initially done. Babbie (1998:90) maintains that exploratory research can be conducted when a researcher is examining a new interest and desires a better understanding of the subject at hand. According to Arkava and Lane (1983:191) it is possible for a study to be exploratory at the outset and on completion of the assessment of empirical data, the same study can be termed descriptive. In accordance with this statement and considering the lack of research on sexual harassment in the SAPS, this research project would on completion be described as exploratory - descriptive.

The size of the study population (approximately 288 female employees) makes it impractical and uneconomical to involve all female employees in the research study. The researcher consequently relied on data obtained from a sample of the study population i.e. 150 female employees.

A probability sampling method i.e. purpose sampling was used to select a representative sample. Babbie (1998:228) maintains that probability sampling methods provide an excellent way of selecting representative samples from known populations. With a purposive sample, the researcher is ensured of proper representations of the stratification variables, irrespective of the sample size (De Vos et al 1998) .

The researcher compiled one survey questionnaire in order to assemble the empirical data. The questionnaire was not compulsory. An anonymous self-administered questionnaire was used. Babbie (1998:276) states that these self-administered questionnaires are more effective in dealing with sensitive issues. This is relevant especially as the survey offers complete anonymity in situations where respondents can be reluctant to report controversial or deviant behaviour in interviews. The respondents' willingness to participate in this study was thus of paramount importance to obtain the data required.

The questionnaire was administered to approximately 150 female employees i.e. police-women as well as SAPS civilian employees. The questionnaire was formulated in English and Afrikaans to cater for a broader spectrum of participants. In order to gather the necessary information, both open and closed ended questions were utilised in the research instrument.

Quantitative research methods were mainly applied in the execution of the research (Grinnell 1988:499). The aim and objectives of this study made the limited utilisation of qualitative data possible in order to describe the social and corporate reality and to study a relatively unknown area. Quantitative research methods were used to count the occurrence of specified features and to gather data from policewomen and female civilian employees with the help of self-administered questionnaires and to obtain statistics from the data gathered.

Permission to undertake this study was obtained through written correspondence from the Area Commissioner of the West Metropole as well as the National Manager of Social Work Services of the SAPS. The investigation, including the processing of data of the research findings, were completed during Oct/Nov 1999. Tables and figures were used to facilitate the interpretation of findings.

1.5 DESIGN OF THE INVESTIGATION

This research report is divided into six (6) chapters.

In **Chapter 2**, the emphasis is on the history and legislation of sexual harassment in the workplace i.e. internationally, in South Africa as well as in the South African Police Service. This information provides the background to the prevalence of this phenomenon in the workplace. The multiple dimensions of sexual harassment i.e. what sexual harassment is and what it is not, is also discussed in this chapter.

Chapter 3 focusses on the occurrence and consequences of sexual harassment in order to address the diverse conditions that bring about sexual harassment in the workplace.

In **Chapter 4** the handling of sexual harassment and the preventative measures to be implemented in the workplace (specifically the SAPS) are discussed. Guidelines for the formulation of a training programme are emphasized.

The empirical data is presented in **Chapter 5**. It includes an introduction and analysis of the collected data.

The conclusions and recommendations based on the literature study and the results of the empirical study are presented in **Chapter 6**.

CHAPTER 2

HISTORY, LEGISLATION AND DIMENSIONS OF SEXUAL HARASSMENT

2.1 INTRODUCTION

A decade ago most employees in industry had limited knowledge about sexual harassment (SH). Nowadays there are reports in the media almost daily on issues regarding sexual harassment. In truth, it is an old problem which is receiving new attention.

The extent of the problem of sexual harassment in the workplace, has not been documented prior to the 1980's (Rubenstein 1991:35). A systematic body of literature on the subject does not exist. What does exist, however, are individual complaints by female workers in industrial countries (Renick 1980:658). International and South African studies carried out at present indicate that sexual harassment is a problem in virtually every organisation and that a large number of women are the recipients of unwanted sexual attention. (Dancaster 1991:449). Where sexual harassment has occurred in the workplace, the rights of redress have not been used much. According to Rademan (1990:16) there seems to be a reluctance on the part of the victims/harassees to complain to a staff member in the workplace or to institute action.

It is difficult to understand and appreciate fully the gravity of sexual harassment without some awareness of how the issue came to be what it is these days (Webb 1991:20). Many employees and employers who are faced with this issue have little knowledge of how this point was reached. The aim of this chapter is to discuss critically the historical background of sexual harassment internationally as well as in South Africa, with special reference to the South African Police Service, in order to give the reader an understanding of the intricacies of this complex and troubling problem in the workplace. This chapter will also focus on defining the phenomenon and identifying categories of sexual harassment in an attempt to educate the workforce and to help harassees to assess their experiences in the workplace. This chapter will also deal with misconceptions regarding sexual harassment.

2.2 INTERNATIONAL HISTORICAL BACKGROUND

The international historical background will now be discussed according to the different time periods from 1700 to 1999.

2.2.1 The period : 1700 - 1800

Fitzgerald, Shullman, Bailey, Richards, Swecker, Gold, Ormerod and Weitzman (1988:153) note that the history of sexual harassment dates back at least to the time women first traded their labour in the market place. The sexual favours of female slaves during the 17th and 18th century, belonged outright to their male masters (Otto 1997:13). From this it can be inferred that women slaves were the property of their masters and consequently had no legal rights to refuse sexual advances from them. Overseers (who were males from the lower class in society) in the employ of the slave owner, also exercised their sexual prerogatives with slave women. It thus seems as if gross manifestations of sexual harassment were an entrenched feature of the slave system.

2.2.2 The period : 1900 - 1969

The technological development, during the 19th century in Europe resulted in radical changes in most countries i.e. from societies of farmers to industrialized nations. This period was also characterized by an influx of female workers into cities, looking for employment during the Second World War. Women then worked on the assembly lines in factories, while men were on the battlefield. These changes brought with it new labour problems in Europe (Popple 1981:258). The appalling working conditions in factories in Europe and the United States of America (USA) were highly exploitative and conducive to the manifestation of sexual harassment of women by supervisors (men) who remained at home during the war. Those women who experienced this type of abuse in the factories, faced their humiliation and fear in private. Women trying to fight back, were rarely successful and had to bear the consequences i.e. a decrease in wages, or the loss of the job altogether - a sure road to starvation. Thus few women could afford not to play by the rules set out by their male supervisors. In a historical account of the phenomenon in the USA, Bularzik (1978:26) tells of a broom factory where women carried knives to protect themselves - contemporary accounts, while usually less dramatic, are no less compelling.

None of the Royal Commissions which were set up to investigate the plight of the working class in Europe investigated the prevalence of sexual harassment. Instead, they made enquiries regarding the morality of working women. The climate of the times in Europe and the USA made it extremely difficult for a female, implicated in a sexual wrongdoing to clear herself, since the mere accusation tended to smear her reputation irrevocably. After this, marriage was out of the question and future employment was also forbidden. According to Faley (1978:8), prostitution was the only remaining option. Public discussion of sexual harassment of working women revealed class antagonism.

Webb (1991:4) maintains that the basis of the present day awareness of sexual harassment fell into place as increasing numbers of middle- and upperclass women, both single and married, entered the workforce in large numbers. The end of World War II and the return of males to industry, brought about structural changes in factories in Europe. An increasing number of women were then placed in vacancies which were traditionally thought of as "female" (Meyer, Oestreich, Collins and Berchold 1981:53). These vacancies included jobs such as those of secretaries and telephone operators. These jobs were characterized by low pay, little chance of promotion, high turnover, no union protection and limited benefits. Once women were unionised and union grievance committees were formed in factories, charges of sexual harassment became one of the major complaints made by female workers to union officials. The attitudes of the majority of union organisers were similar to those prevailing in the society at large i.e. that sexual harassment was a female problem and not a crime against women. From this, it can be inferred that since the time that women were employed outside their homes until the 1960's, sexual harassment was regarded as an indignity which women had to risk, in order to be permitted to work.

With the passing of the Civil Rights Bill in the USA in 1964, Title VII of this Act aimed to protect employees against discrimination based on sex. Building on the concept of sex discrimination, an emerging feminist movement succeeded in gaining legal recognition of sexual harassment as a problem contributing to inequity in employment and educational opportunity.

Cockburn (1991:147) maintains that when women started drawing attention to the problem of sexual harassment in the workplace, it seemed as though they were forcing a conceptual connection between two phenomena that had nothing to do with each other i.e. sexual and organisational. Employers tended to evaluate social-sexual encounters as interpersonal rather than as organisational. They did not see sexual overtures as a product of the organisation's culture or norms.

2.2.3 The period : 1970 - 1979

The 1970's brought with it an era of dramatic efforts by feminist movements in the USA and also in South Africa to stop discrimination of all forms in the workplace (Hearn, Sheppard, Trancred-Sheriff and Burrell 1989:20). Since then, sexual harassment has been taken up in the workplace - and other organisational campaigns, by trade unions and by women's groups. In the USA these efforts resulted in the passing of the Equal Employment Opportunity Act in 1972 by Congress. The Equal Employment Opportunity Commission (EEOC) appointed by the president of the USA was given the authority to stop workplace discrimination and to sue those employers guilty of this offence in federal court.

The first women in the USA who officially complained that sexual harassment was sexual discrimination, were all unsuccessful in the lower courts. According to Vhay (1988:333) the courts argued that even if sexual harassment was discrimination, it was a type of harassment that was too complicated to judge, seemingly impossible to remedy and potentially too widespread for the system to handle. Until 1976, no name existed for this collective experience (Stanko 1985:6). Efforts toward legitimisation began in 1976 in the USA when feminists labelled the previously unnamed problem "sexual harassment", thus challenging it as an acceptable behavioural norm. Yet, some employers continued to dismiss it as trivial and isolated or as universal "natural" behaviour. Surveys documenting the incidence, severity and consequences of sexual harassment, bolstered the problem's legitimacy. Public concern was raised by surveys indicating that victims suffered psychologically and economically as a result of their harassment experiences (Otto 1997:15).

It was during this time that federal courts in the USA heard the first cases in which sexual harassment was the primary complaint. These initial complaints were unsuccessful in their attempts to establish sexual harassment as sexual discrimination under the Civil Rights Act (Fayley 1982:585). The case of *William v. Saxbe* in 1976 was the turning point in finally establishing a course of action for sexual harassment (Dancaster 1991:13). In this case, the court ruled that the conduct of the victim's supervisor had created an artificial barrier to employment which was placed before one gender and not the other even though both genders were similarly situated. Thus conditions of employment that were applied differently to men and women (such as sexual harassment) were forbidden under Title VII of the Civil Rights Act, as sexual discrimination. This was a major landmark decision in beginning to address sexual harassment in the workplace. Nevertheless, the battle was only half fought as the courts found that not all forms of sexual harassment constituted sexual discrimination (Livingston 1982:7).

At first the courts ruled that harassment could only be considered a form of discrimination if the victim had lost tangible job benefits eg. promotion or a salary raise as a result of the harassment. In these rulings, psychological damage alone was not sufficient to prove that sexual discrimination occurred. Thus, if they could not indicate these tangible, negative consequences, the harassing behaviour was seen as isolated sexual misconduct and not a Title VII violation (Rademan 1990:21). From this it can be concluded that Title VII did not provide adequate relief for victims of sexual harassment.

In addition to setting parameters for considering sexual harassment as illegal discrimination, the courts ruled on the extent of employers' responsibility for dealing with sexual harassment (Fagenson 1993:265). Employers were not only held liable for supervisors' behaviour, but were also responsible for taking prompt and remedial action after learning about the harassment. In subsequent rulings the court found that an employer must not only react to complaints, but should affirmatively establish and publicise policy and procedures prohibiting sexual harassment. Taken as a whole, these rulings held employers responsible for preventing harassment as well as effectively responding to complaints. The issue of the extent of employer liability has however not yet been clearly resolved by the courts (Fayley 1982:589).

Many state courts in the USA have held that sexual harassment does create a non-voluntary reason for leaving a job, enabling victims to collect unemployment insurance under existing legislation. Unfortunately remedies for victims of sexual harassment provided by anti-discrimination - and unemployment insurance laws were limited (Rademan 1990:21). These laws generally allowed compensation for financial loss alone and not for psychological damages (Dancaster 1991:20). Victims have also successfully sued employers for breach of contract on the premise that the employer failed to follow through on his agreement to provide a non discriminatory environment.

2.2.4 The period : 1980 - 1989

In the early 1980's, employers around the world, were still unaware of the financial costs to the organisation when failing to prevent sexual harassment. The consequences of sexual harassment for its recipients were not fully appreciated and some employers still tended to regard sexual harassment as a personal dispute between two employees and of limited concern to the organisation. Thus, despite the position taken by the EEOC, sexual harassment continued to be widespread. It is only recently, that contributors to organisation theory, began to explore and expose the full significance of sexuality in organisations (Cockburn 1991:148). Research exposing the financial costs of sexual harassment to business, helped to raise organisational concern.

According to Hoyman and Robinson (1980:997) the EEOC amended its guidelines on sexual discrimination to add sexual harassment. The guidelines, as amended on April 11, 1980 defined sexual harassment, identified criteria for considering it as a form of sexual discrimination and outlined employers' responsibilities for dealing with this form of illegal discrimination. These guidelines emphasized that if an employer develops a comprehensive sexual harassment policy, adopts a reporting system that permits a victim to make the report to a neutral party, and establishes specific penalties for sexual harassment, a victim's failure to report hostile or offensive harassment, may result in a finding of no liability on the part of the employer (Fagenson 1998:265). Although these guidelines did not constitute law, they were frequently used by judges in reaching decisions on specific harassment cases and by employers in complying with anti-discrimination regulations. (Livingston 1982:9).

In June 1986, the US Supreme Court ruled that Title VII of the Civil Rights Act 1964 was no longer limited to “economic” or “tangible” discrimination. Since then courts in the USA have continued to define and refine the definition of what constitutes sexual harassment (Rubenstein 1992:161).

2.2.5 The period : 1990-1999

During the 1990's, women seemed less afraid to challenge sexual harassment in the workplace and fought against injustice more readily. Through these actions, the issue of sexual harassment has continued to receive widespread attention. Complaints of sexual harassment filed in the USA (with the EEOC) in the first six months following the adoption of the amended guidelines, showed an increasing trend after 1990. However, many victims still prefer to sue privately and do not work through the EEOC at all. Rademan (1990:20) maintains that even though remedies in the USA are quite extensive, the position is neither clear nor satisfactory.

2.3 SOUTH AFRICAN HISTORICAL BACKGROUND

In South Africa (SA) the history of sexual harassment followed similar trends as that in the USA for the period of 1700 - 1960. It is however, only in recent years that sexual harassment in South African industry, has been regarded as a serious matter, which requires the attention of employers. The most obvious relief available to victims of harassment in SA seems to be the legal system's alternative to the anti-discrimination legislation found in America; namely the concept of “unfair labour practice” created in the Labour Relations Act (Act 28 of 1956). In terms of this Act, sexual harassment is considered an unfair labour practice.

In determining an unfair labour practice, the court took into consideration the concept of fairness and was not limited to the question of lawfulness (Rademan 1990:22). Thus the courts found that the action of an employer or employee can be described as lawful in terms of common law or statutory principles but could nonetheless be unfair. Consequently in 1988 the Labour Relations Act (LRA) was amended.

The amended Act i.e. Act 83 of 1988, introduced an expanded definition of an unfair labour practice. As with sexual harassment cases in the USA, this Act stated that not all forms of sexual discrimination amounted to unfair labour practice. It further stipulated that only unfair sexual discrimination would be targeted as unfair labour practice. The definition concluded that any labour practice which may jeopardise the relationship between employer and employee or which may detrimentally affect it, shall constitute unfair labour practice. Rademan (1990:23) maintains that the aforementioned are normally the consequences resulting from sexual harassment and depending on the interpretation of the courts, may be used as a basis for litigation. It therefore seems as if there can be no doubt that sexual harassment can amount to unfair sexual discrimination in the context of the provisions made by the Labour Relations Amended Act.

A problem may however arise with regards to the criteria used in determining what is fair in sexual harassment cases, as no victims will react in the same manner when being harassed. Concurrently the SA Industrial Court indicated that the concepts of fairness needed to be investigated from different view points while taking into consideration the circumstances of those involved.

In 1989 a milestone was reached in that the industrial court recognised the employers' duty to ensure that employees work in an environment which is free from sexual harassment. The industrial court in *J v M* (1989, the first reported case of sexual harassment in South Africa) ruled that an employer has a duty to ensure that its employees are not subjected to this form of violation in the workplace (Prekel 1993:6). Thus it would appear that the industrial court then regarded sexual harassment as unacceptable and illegal. The court ruled that an employer should at the very least have an explicit anti-discrimination policy which has been clearly communicated to all employees. In addition it should have established grievance procedures which employees would feel comfortable utilising. As in the USA, employers could then be held civilly and in certain cases, even criminally liable for the unlawful acts of sexual harassment committed by employees in the workplace (Rycroft and Jordan 1990:67).

Where there are inadequate channels of complaint, an employer may be held liable even if there was no knowledge of the harassment. Thus, although sexual harassment (unlike the situation in Europe and the USA) is as such not yet against the law in South Africa, employers can be held liable (Prekel and Wilkinson 1992:33).

No sexual harassment cases were however brought to the industrial court in terms of the definition as set out in the Labour Relations Act (Act no 83 of 1988). During May 1991, this definition of unfair labour practice was amended for the second time. According to Louw (1991:31) the present definition is virtually identical to the definition formulated in 1988. Thus far, no cases have been considered by the industrial court since this amendment. In this regard, it is meaningful to note that it took victims in the USA approximately twelve years (after the enactment of the Civil Rights Bill) to have their first cases in which sexual harassment was the primary complaint, heard in Federal Court.

The social and political changes in South Africa after 1994 encouraged women's groups and organisations to discuss women's issues openly and demand equity, fairness and justice in the workplace. It is only during the past few years that women who have been sexually harassed, are showing the courage and strength to confront this issue.

In South Africa, the aggrieved victim of sexual harassment may at the moment lay a criminal charge of rape, assault, indecent assault, crimen injuria or extortion against a harasser, depending on the nature of the conduct. She may also seek to recover damages for the impairment of her physical integrity, dignity or reputation.

An employee who follows the criminal or civil route in the ordinary courts, will obtain little redress for the disadvantages suffered in the workplace (Louw 1991:34). It would therefore be advisable to approach the industrial court for relief, alleging that the harassing conduct amounted to an unfair labour practice.

The Nedlac Market Chamber finally approved a code of good practice on the handling of sexual harassment cases, on 4 May 1998 which would then be added as a schedule to the Labour Relations Act (Smythe 1998:17). The document contains an extensive definition of sexual harassment, requires that employers take appropriate action when such incidents are brought to their attention, and strongly encourages organisations to formulate a policy or company code regarding sexual harassment. This policy should contain appropriate procedures and should make provision for formal as well as informal procedures for the resolution of sexual harassment complaints in the workplace. According to Smythe (1998:18), the business sector was originally of the view that a code of this nature was not really necessary in South Africa because of adequate case law on the subject and concerns about the

employment relationship becoming over regulated. However, the determination of victims of harassment as well as the financial and personal costs to all parties involved, convinced Nedlac parties that more flexible procedures were needed for the handling of harassment cases. The approval of the code of practice by Nedlac brought South Africa in line with other progressive countries such as the USA, France, Canada, Spain, New Zealand and Sweden which have outlawed sexual harassment in the workplace by statute rather than case law.

According to Broomberg (1993:15) the South African Government has proposed legislation that specifically addresses the problem of sexual harassment as part of a series of bills addressing discrimination against women. Prekel (1993:6) however, emphasizes that while this legislation is in process, sexual harassment will continue to be dealt with by the industrial courts as unfair labour practice. Although the draft bill addressing sexual harassment does little to remove the bias against the victim, the fact that the issue has received this much attention intimates that changes are possible in the new South Africa.

Rubenstein (1992:12) notes that virtually all industrialized countries now provide some form of legal recourse against some type of sexual harassment in the workplace. The extent to which remedies are used however, largely depends on where in the legal system they are situated.

2.4 THE HISTORICAL BACKGROUND OF THE SOUTH AFRICAN POLICE SERVICE

Sexual harassment in the South African Police Service (SAPS) has in the past been viewed as personal, individual and relatively invisible. Since 1996, it is no longer regarded as a personal dispute between employees but as inappropriate behaviour which should be treated as a disciplinary offence. It is thus only recently that sexual harassment in the SAPS has been regarded as misconduct in term of Regulation 18 (34) of the South African Police Service Discipline Regulations, 1996. The first formal complaints regarding this illegal misconduct were reported by female employees during 1997 when the National Discipline Officer made it compulsory to report all cases of sexual harassment. The outcomes of filed charges, the issue of confidentiality, the emotional trauma victims suffer because of the prolonged trials and the lack of policy, seemed to act as a deterrent in reporting this misconduct.

A consensus emerged in the SAPS that it is not sufficient to provide a remedy to a victim of sexual harassment after the harm has been inflicted, but that a preventative policy and procedures should be formulated in order to reduce the risk of sexual harassment. Parties to the National Negotiation Forum of the SAPS have thus on 28 May 1998 signed an agreement regarding a policy document on sexual harassment in order to address this form of abuse. The purpose of this policy is to contribute to the creation and maintenance of an environment of mutual respect and professional conduct in the workplace. The policy should ensure a systematic and effective method of resolving the problem of sexual harassment in a manner which is consistent with the basic principles underpinning the constitution of 1994 of South Africa.

2.5 DIMENSIONS OF SEXUAL HARASSMENT

Sexual harassment in the workplace, occurs more frequently than is generally believed. Little has thus far been done to establish exactly what sexual harassment is, as most people refuse to accept that it is a problem.

The term "sexual harassment" was first devised in the United States of America where concrete steps to deal with the problem, were first taken. This term is also used in South Africa because it has gained general currency and because the analogous terms which have been used in other countries are more imprecise. For example, in the Netherlands the term used is "unwanted intimacy", in Italy "sexual molestation" and in France "sexual blackmail" (Rubenstein 1992:10).

Research indicates that there exist extensive individual differences in judgements of what constitutes sexual harassment (Fitzgerald and Hesson-McInnes 1989:310). Thus, the definitional issue is of critical importance. Terpstra and Cook (1985:559) and Branson (1988:10) emphasize that defining sexual harassment is not a simple task as consensus on how to define the phenomenon cannot be reached. Although most people have some idea of what is generally meant by sexual harassment; how it is defined will not only determine the proportion of people who say that they have experienced the behaviour, but also the kinds of behaviour which fall within the scope of a prohibition.

2.5.1 Defining and understanding sexual harassment

Despite the fact that the term sexual harassment has been defined at various times and in different ways, no lawful definition exists in South Africa (Lourens 1996:91). The South African code of practice, as approved by the Nedlac Market Chamber in 1998, defines sexual harassment as unwanted conduct of a sexual nature, as opposed to behaviour which is welcome and mutual (Smythe 1998:18). Definitions on sexual harassment however, vary in the degree to which they stress coercion, sexuality or power (Littler-Bishop, Seidler-Feller and Opaluch 1982:137).

The formal, legal definition of sexual harassment as adopted by the Equal Employment Opportunity Commission in the USA, suggests that unwelcome sexual advances, either verbal or physical, constitute sexual harassment if (i) submission to the advances is either an explicit or implicit term or condition of employment; (ii) submission to or rejection of the advances is used as a basis for making employment decisions or (iii) such conduct interferes with a person's work performance or creates an intimidating hostile or offensive work environment (Konrad and Gutek 1986:422, Bond 1995:150).

The most frequently quoted definitions in literature describe sexual harassment as unsolicited, non-reciprocal male behaviour that asserts a woman's sex role over her function as a worker (Prekel 1993:1, Branson and Branson 1988:10, Baroni 1992:19). Many of the definitions however, fall short in terms of completeness and often reveal a bias on the part of the authors (Meyer et al 1981:4). These limitations are however not unlike what normally occurs during the early stages of any investigation of a new phenomenon.

2.5.1.1 *Elements of definitions*

Thus, in comparing the elements of various definitions, it can be concluded that sexual harassment means all those actions and practices by a person or group of people (in the workplace) directed at one or more employees and which:

- are of a sexual nature or sex based
- are unwanted not asked for and not returned
- may be deliberate and/or repeated

- cause humiliation, offence or distress
- interfere with job performance or create an unpleasant working environment
- comprise remarks or actions associated with a person's sex
- emphasize a person's sexuality and gender over his/her role and competencies as a worker.

Correctly understood, the concept of sexual harassment is broader than conduct which is "sexual" in that it may be a demonstration of power rather than a reflection of lust. Rubenstein (1992:10) states that contrary to what is conveyed by the dictionary definition of the word "harassment", a prohibition should not be conditional upon the objectionable conduct being repeated, as a single incident of sufficiently outrageous conduct should suffice. Some forms of sexual behaviour are so graphic and offensive that the first time they occur, they are considered deliberate, inappropriate and sometimes even illegal actions (Webb 1991:26). She cautions that even though there are some forms of behaviour which may not be considered illegal sexual harassment (unless it is repeated over time) it still has a negative and damaging impact on the victim. Thus, the more severe the behaviour is, the fewer times it needs to be repeated before reasonable people define it as harassment; the less severe it is, the more times it needs to be repeated.

According to Webb (1991:27) this is one of the qualifiers of the definition of sexual harassment. Three more elements of the definition of sexual harassment will now be discussed i.e. (i) unwanted conduct (ii) conduct of a sexual nature and (iii) sex-based conduct.

(i) Unwanted Conduct

A defining characteristic of sexual harassment is that it refers to conduct which is unwelcome, not asked for and not accepted by the recipient (Lengnick-Hall 1995:842, Petrini 1992:19, Lourens 1996:91). As sexual harassment refers to behaviour which is unwanted, it follows that it is for each person to determine what behaviour they welcome or tolerate and from whom. If a woman enjoys an occasional hug from a male colleague with whom she is friendly, by definition, that is not sexual harassment.

This however, does not mean that she has to accept an unwelcome hug from other male colleagues. Webb (1991:27) emphasizes that mutual behaviour between two colleagues is usually permissible as long as it does not interfere with their work or create a hostile or offensive work environment for others. Behaviour that seems amusing or harmless to some may be offensive to others. Rubenstein (1992:10) similarly maintains that even though some women might tolerate or enjoy sexual teasing or risqué jokes, it does not prevent other female employees from regarding such conduct as unacceptable behaviour. Sexual harassment is essentially a subjective concept as each individual needs to decide what does and what does not offend them (James 1998:47). Any other standard would therefore amount to an intolerable infringement of individual autonomy.

Because it is for the recipients to determine what is or is not unwelcome or offensive to them, it is the impact of the behaviour upon the recipients rather than the intent of the perpetrators that is important (Prekel 1993:1). Failure to recognise this has resulted in great misunderstanding as some harassers tend to think that provided they meant no harm, they should be absolved of any consequences. If this were the case, employees would have to tolerate any sort of offensive conduct as long as the perpetrator did not **intend** to cause harm.

Welcomeless is often an issue when women have participated in joking, teasing or verbal banter at a certain level, but feel uncomfortable or offended when the level of such sexually orientated discussion escalates. It is also a key factor in situations involving the end of consensual sexual relationships between colleagues. Wagner (1992:21) emphasizes the importance of providing notice to others regarding behaviour that might once have been acceptable but now is unwelcome and offensive. It is advisable because co-workers and former lovers may otherwise assume that their past behaviour and attentions are still as welcome as they were. The word "unwelcome" thus places responsibility on the supervisors/managers to monitor carefully for signs of unwanted sexual attention.

(ii) Conduct of a sexual nature

Conduct of a sexual nature refers to unwelcome behaviour with some sort of sexual connotation to it. According to Rademan (1990:16) this type of conduct can be either physical, verbal or non-verbal. An explanation of the different types of conduct will now follow:

- *Physical conduct of a sexual nature* is commonly regarded as meaning unwanted physical contact ranging from unnecessary touching, patting, grabbing, pinching or brushing against another employee's body to assault and/or coerce sexual inter-course. If this conduct took place in the street between strangers, most of it would amount to a criminal offence.
- *Verbal conduct of a sexual nature* may include unwelcome sexual advances, enquiries about a person's sex life, telephone calls with sexual overtones, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, persistent, rude or sexist jokes, suggestive remarks, innuendoes or lewd comments about an individual's body. Such behaviour defines women's role as sexual objects rather than as work colleagues.
- *Non-verbal conduct of a sexual nature* refers to the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures. These behaviours may make women feel uncomfortable or threatened and undermine the position of a women who seeks to deal with her colleagues with professional dignity (Smythe 1998:18, Ryder 1998:28).

From the aforementioned explanation, it is clear that the range of behaviours with sexual connotation are very wide and do not necessarily mean that the perpetrator has the intent of having sex.

(iii) Sex-based conduct

Sexual harassment is often not an attempt to initiate sexual relations, but rather an abuse of power by men over women. Webb (1991:26) maintains that this type of behaviour occurs on account of gender i.e. a serious battle of the sexes in the workplace. It refers to conduct that denigrates, ridicules, intimidates, or physically abuses employees because of their sex. This often includes derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress. Rubenstein (1992:12) stresses that such bullying normally takes place where women are working in non-traditional jobs or where they are seen as especially vulnerable.

The elements of sexual harassment as described in 2.5.1.1. make up a complete and some would say too broad a definition of sexual harassment (Ryder 1998:28). This definition however, covers more than what a purely legal definition might as research indicates that “light harassment” tends to get worse and becomes severe when it is not addressed and stopped. Thus by including a definition of harassment that includes light, moderate and severe, the situation might be resolved sooner.

2.6 CATEGORIES OF SEXUAL HARASSMENT

Most courts in industrialized countries, make a distinction between two types or forms of conduct considered to be sexual harassment (Bond 1995:149). These two recognised forms of harassment are referred to as “quid pro quo” harassment (Lengnick-Hall 1995:83, Lourens 1996:93) and “hostile work environment” (also referred to as “gender harassment”).

2.6.1 Quid pro quo harassment

Quid pro quo harassment (literally means “this for that”) involves an implicit or explicit sexual proposition whereby the harasser promises workplace benefits or threatens punishment, depending on the victims response (MacKinnon 1979:32, Thacker 1992:51). This was the first type of unlawful sexual harassment identified by the courts in the United States of America. It represents the most commonly held perception of the nature of sexual harassment. Quid pro quo sexual harassment is prohibited by the South African code of practice as adopted by the Nedlac Market Chamber (Smythe 1998:18).

According to Rubenstein (1992:13) quid pro quo harassment can only be committed by someone with the power to give or take away employment benefits. This type of sexual blackmail thus represents a breach of trust and an abuse of power by either the employer or the employer’s agent i.e. supervisor or manager, to whom authority is delegated. In this type of sexual harassment, the accused is always the immediate supervisor or someone who has the actual or apparent authority to affect terms and conditions of employment (Wagner 1992:22). A classic example of quid pro quo harassment is that of a supervisor who threatens an employee with dismissal unless the employee performs a sexual act (Thacker 1992:51). The employer is held strictly liable if proof of the supervisor’s actions or utterances can be established, even if higher management had no knowledge of the situation (Petrini 1992:20).

Wagner (1992:22) identified the following **characteristics of quid pro quo harassment**:

- The harasser/perpetrator has to be in a position of authority over the harassed employee.
- The harassee/victim must be able to prove money damages to claim quid pro quo harassment successfully. Damages can include money associated with lost promotion opportunities and missed raises in salary.
- One incident of harassment can be enough.

The **elements** necessary to establish a **quid pro quo claim** are:

- The employee should belong to a protected group. According to Aaron (1993:84) all people irrespective of their gender belong to a protected group. Thus, this element would not be difficult to establish.
- Proof that the employee was the recipient of unwelcome and offensive sexual overtures or demonstrations which she did not solicit or incite.
- The conduct should have been based upon the gender of the employee i.e. the victim must prove that, but for the fact of her gender, she would not have been the object of harassment.
- Proof that the victim's refusal to co-operate caused the deprivation of a job related benefit.
- Grounds to hold the employer responsible for the offended conduct (Dancaster 1991:13).

Rubenstein (1992:14) identified two fundamental problems with this form of sexual harassment. The **first** is that even though the concept of "the employer" for this purpose, is widely defined so as to include managers and supervisors, it excludes conduct between colleagues. He emphasizes that harassment by a colleague can have physical and psychological consequences that are as damaging as those from harassment by a superior. Thus, where an employee complains about harassment by a colleague and the employer takes no steps to remedy the situation, it is submitted

that the employer should be regarded as legally, as well as morally liable.

Secondly, it is not the harassment that is regarded as unlawful, but rather the employment related consequences in the event of non-compliance (Mouwatt 1986:640). The result of the victim's resistance could be that she lost a promotion, salary increment or was dismissed because of her reaction to the harassment. This, consequently leaves the woman against whom no retaliation has been taken, with no recourse against the harassment, no matter how offensive the conduct might be. This permits a woman to be sexually harassed with impunity, provided that no tangible actions were taken against her in response to her resistance.

2.6.2 Hostile working environment

Many countries have followed the lead of the United States of America to provide a right of action against sexual harassment which results in an offensive working environment for those affected by it. Unfortunately for South African women and their employers, our industrial courts do not as yet legally recognise this type of harassment. According to Smythe (1998:18) the South African code of practice requires employers to create and maintain a working environment in which sexual harassment is prohibited. The code also requires employers to take appropriate action when a sexual harassment incident is brought to their attention. Thus employers should not ignore complaints or perceive them as insignificant. According to Dancaster (1991:465) the first reported case of sexual harassment in South Africa was *J v M* in 1989 which was a case of hostile and offensive working environment. This case indicates that our courts may be inclined to follow the American example in recognizing the "hostile environment" cause of action and not only "quid pro quo" harassment. This new category of harassment became known as "environmental harassment" (Vhay 1988:336).

The application of hostile environment, broadened the definition of sexual harassment beyond the loss of tangible benefits to conditions in the workplace. The situations generally involved in hostile environment claims, are less clear cut (Wagner 1992:24). According to Bond (1995:150) a hostile environment is created when an employee is subjected to sexually suggestive comments or conditions that are severe enough to alter the employee's conditions of employment. Here, typical situations are lewd jokes or comments, displays of explicit or sexually suggestive material or repeated requests for a sexual or dating relationship (Aggarwal 1992:97). In some working

environments, sexually explicit language, sexual jokes, “girly magazines” and pornographic calendars are the norm (Lourens 1996:94). Aggarwal (1992:31) however, emphasizes the importance of applying the criteria of reasonableness in these working environments, in order to address liability in these circumstances. Petrini (1992:20) notes that an employer is not automatically liable for acts of sexual harassment if he/she had no notice of the occurrence. A lack of notice does however not insulate the employer. Courts require that the aggrieved employee gives notice to her employer thus affording the employer an opportunity to correct the problem before the employer is considered liable.

Wagner (1992:24) identified the following **characteristics of hostile working environment harassment**:

- Harassers may be anyone in the workplace i.e. supervisors, colleagues, clients or visitors.
- Unlike quid pro quo harassment, one isolated incident is rarely enough as this form of harassment requires that the offensive conduct be continuous, frequent, repetitive and part of an overall pattern.
- There is no need to prove money damages.
- The offensive conduct must escalate to such a level that the victim’s job performance is affected or her working atmosphere is rendered abusive.

To determine whether or not these conditions have been met, the EEOC recommends consideration of the following factors:

- (a) The extent to which the conduct affected the employee’s terms and conditions of employment.
- (b) Whether the conduct was repeated or isolated.
- (c) Whether the conduct was intended or perceived seriously or in jest; and
- (d) the degree to which the conduct is contrary to community standards.

These factors emphasize the importance of the unique facts and circumstances involved in every situation, including such tangibles as generally held attitudes and perceptions about sex in the workplace that might vary substantially.

Messing (1993:98) identified **four elements** necessary to establish a case of **hostile environment** sexual harassment:

- As is the case in quid pro quo harassment, the employee must belong to a protected group.
- The employee must prove that she was subjected to unwelcome sexual harassment.
- The harassment must be based on the gender of the victim or it should be of a sexual nature.
- The harassment must have affected a term, condition or privilege of employment.

According to Lengnick-Hall (1995:843) **another element** is that the employer must have actual or constructive knowledge of the sexually hostile working environment (i.e. the employer knew or should have known of the harassment) but did not take prompt or adequate remedial action. A victim also needs to prove that not only she, herself has been offended by the sexual conduct, but that an objective third party - a reasonable person - would also have been offended (Wagner 1992:25).

Since 1991, a number of courts have replaced the reasonable **person** standard with a reasonable **woman/victim** standard. This reflects judicial recognition of the fact that men and women tend to view sexual matters differently and that, what may be trivial to a reasonable male, may be quite serious to a reasonable female. Under this new standard of reasonableness much less (in the way of offensive behaviour) may be needed for a finding of hostile environment harassment if a reasonable person of the same sex as the complainant, considers the conduct sufficient to create an abusive environment (Lengnick-Hall 1995:843).

To some employers this may sound like political correctness taken to the extreme, but this is not the case, as the above mentioned forms of conduct are only prohibited where they are unwelcome or where employees legitimately take offence, as everyone has a right to work in an environment that is not hostile or intimidating.

From the above mentioned categories of sexual harassment, it can be concluded that quid pro quo sexual harassment is very specific and clear in its interpretation, whereas hostile environment harassment is more ambiguous and open to interpretation.

2.7 MISCONCEPTIONS ABOUT SEXUAL HARASSMENT

A number of misconceptions, myths as well as stereotyping regarding sexual harassment have found their way into the media. Men in particular have begun to voice fears that sexual harassment concerns effectively prohibit any kind of social interaction between the genders, even to the point of polite compliments on a woman's dress (James 1998:62).

From a legal and practical perspective, these fears are unfounded and the product of misinformation. Sexual harassment is not involved in normal, pleasant or even mildly flirtatious interactions as long as no reasonable person (woman) is offended (Wagner 1992:31).

The following **misconceptions** will be examined in the context of (i) society's values and (ii) the socio-political fact that men have a monopoly on power in the workplace as well as in society as a whole, while women are dependent on men for their livelihood (Rubenstein 1991:35, Singer 1995:2152, Prekel and Wilkinson 1992:33, Renick 1980:660, Broomberg 1993:16).

- **Sexual harassment exists only in the minds of women who have overactive imaginations.**

There is ample evidence from studies carried out internationally as well as in South Africa that sexual harassment is a reality in virtually every organisation and that a substantial proportion of working women are recipients of unwanted sexual attention at work.

- **It is a part of the natural order of things that women have to endure.**

Sexual harassment stopped being part of the "natural" order of things since women stopped accepting such behaviour and forced courts and organisations to take responsibility for creating and maintaining a healthy work environment (Rubenstein 1991:35).

- **Sexual harassment is a trivial issue.**

Sexual harassment is a serious problem in the workplace (Singer 1995:2152). Not only is it a problem that has an impact on individuals, it is also a problem that affects organisations both directly and indirectly. Legal costs can be large when harassment is not dealt with effectively. Furthermore, unwanted publicity which may accompany sexual harassment charges, can have an immeasurable impact on an organisation's ability to attract and retain valued employees.

- **Sexual harassment is nothing more than the normal and natural sexual interest that develops between men and women who work together.**

Sexual harassment usually relates to intimidation, exploitation and power, not to real, mutual personal attraction and respect (Prekel and Wilkinson 1992:33).

- **Any "normal" woman welcomes and is flattered by sexual attention in any form.**

Research indicates that women's real feelings about sexual harassment are in fact quite different in that they find uninvited sexual attention to be embarrassing, demeaning and intimidating (Renick 1980:660).

- **Women who object have no sense of humour.**

James (1988:4) cautions that what one person might consider to be humorous, another might find offensive. Being sexually harassed is humiliating and degrading for the recipient of the harassment, thus no one should have to endure humiliation with a smile.

- **Women who are harassed have clearly asked for it by the way they dress and behave.**

Naturally, it is important that women dress and behave appropriately at work. However, any woman (whatever her appearance and lifestyle) has the right to decide whether, when, where and from whom she wishes to accept any sexual approach or comment (Prekel and Wilkinson 1992:33). Sexual harassment can happen to anyone, no matter how they dress or behave.

- **Sexual harassment is a crude attempt to initiate sexual relations.**
Sexual harassment is commonly an abuse of power exerted by men over women and often has nothing to do with lust. Men cannot imagine that their offensive and unwanted behaviour will make them sexually attractive to women (Rubenstein 1991:35).
- **It is only a problem for attractive women.**
There is no typical recipients of sexual harassment but the likelihood of being harassed is closely associated with the perceived vulnerability of the recipient, not her physical appearance. Divorced and separated women, working women in male dominated organisations or new employees are most likely to be harassed.
- **"Nice" women do not get harassed.**
Every woman is a victim of harassment at some point in her life. All women have at some time in her life, been whistled at, commented on, groped, humiliated or patronised.
- **If a person ignores sexual harassment, it will stop.**
Generally, harassers are repeat offenders who will not stop on their own. Ignoring it may be seen as assent or encouragement.
- **All men are harassers.**
No, only a few men harass. Usually there is a pattern of harassment. One harasser can harass a number of women either sequentially or simultaneously or both.
- **Only uptight and maladjusted women with sexual and social hang-ups claim to have been sexually harassed.**
For most women, having their intimate concerns paraded in public is an embarrassing, humiliating and intimidating prospect.
- **Sexual harassment only affects women in low status jobs.**
Although some women may be more vulnerable to harassment than others, no woman is especially protected and a prestigious position is no sure protection. Job status may however have some effect on the type of harassment a woman is likely to encounter.

- **Professional women and women in managerial posts do not suffer from sexual harassment.**

Professional and managerial women move in smaller circles and therefore stand to lose even more from a sexual harassment incident than other women, as word tends to leak out much more quickly. Thus all the harasser has to do is to mention casually that the woman was dismissed or resigned because she was emotionally unstable or could not get along with her co-workers and her reputation as a professional would be questioned.

- **A firm NO is enough to discourage any man.**

Often, the fact that the situation is not between two equals is ignored. As young girls, South African women have generally been socialized into being submissive, unassertive and relatively unambitious (Naidoo 1997:20). Consequently they find it difficult to say no. Most women have also been brought up to believe that refusing requests from authoritarian figures, are generally considered rude and unacceptable. Thus, assertiveness training is becoming a popular exercise for working women who are learning to reclaim their space and define their limits (Broomberg 1993:16).

The suffering of victims of sexual harassment is worsened by misconceptions regarding sexual harassment. Misconceptions should thus be discouraged and brought out into the open for discussion so that employees are alerted to their own prejudices and sexist actions which are often unconscious but detrimental to victims of harassment.

2.6 CONCLUSION

Sexual harassment was historically seen by women as an inevitable, albeit an unpleasant part of working life. As times changed, fewer women in industry were prepared to accept such behaviour. The United States of America was the first country to recognise sexual harassment as a distinct form of prohibited activity in the mid 1970's in response to the unprecedented entry of women into the labour market which began during the 1960's. The aggrieved victims of sexual harassment braved various court battles in pursuit of justice. As in the United States of America, the determination of victims in South Africa, proved to have had an influence on the rulings of the industrial courts in that currently, it is recognised that sexual

harassment damages the work environment and that the responsibility for creating and maintaining a healthy work environment rests with the employer.

Sexual harassment at work gradually underwent a transition from being private, individual and largely invisible to the public, to becoming an organisational matter and being somewhat visible. The last decade has thus seen a remarkable growth in awareness of sexual harassment in most industrialised countries. This has led to widespread recognition that it is a serious issue which needs to be addressed if the promise held out by equality legislation is to be fulfilled. Legislation in most industrialized countries has provided an impetus for developing organisational responses.

Nevertheless, there are still great differences between industrialised countries eg. SA and USA, both in the legal remedies available for sexual harassment and in the voluntary steps which have thus far been taken. These different legal approaches to sexual harassment reflect to a certain extent, differences in cultural attitudes and also differences in legal tradition. The status of women in western society and the sex role stereotyping, have contributed to the lack of concern on the issue of sexual harassment. The double sexual standards for men and women in most cultures, seem to encourage the practice of sexual harassment. Myths regarding the phenomenon only add to the frustration women experience in trying to have their complaints recognised. As a consequence of these stereotypings, misconceptions and myths, victims of harassment are afraid to confide in anyone in case they will not be believed but instead be blamed for the harassment. Further humiliation and embarrassment from colleagues or employers, often prevent these women from speaking out as it tends to be more distressing than the incident itself. Common courtesy, common sense and keen observation of others' reactions to what is said and done, can go a long way in achieving a friendly work environment where both genders can enjoy each others company in an environment free of sexual harassment.

Awareness of the problem of sexual harassment in the workplace has increased over a relatively short period of time. However, much still needs to be done to tackle the problem of sexual harassment at work as it is a complex phenomenon which is poorly understood. The priority now is to ensure that the problem is tackled.

CHAPTER 3

THE OCCURRENCE AND CONSEQUENCES OF SEXUAL HARASSMENT

3.1 INTRODUCTION

Sexual harassment, the unwanted sexualization of work relationships or other professional relationships, has been described in literature as being invisible and inaudible in the workplace (Bond 1995:147). In the last decade, the determination of women have forced organisations to break the systematic silence and to take the issue of sexual harassment in the workplace more seriously. Concurrently a search for a broader understanding of why sexual harassment might occur, has emerged in order to gain a better understanding of the nature of this phenomenon.

A number of explanations and reasons for the occurrence of sexual harassment have been given in legal briefs, feminist writings and by the media. Different models have been used to explain the phenomenon. Tagri, Burt and Johnson (1982:35) have described the biological socio-cultural and organizational models of sexual harassment.

Otto (1997:59) however, maintains that none of these three models could in itself offer an adequate explanation for sexual harassment as each of these models incorporates only one level of analysis. What seems to be needed, is a multi-level analysis which considers the contributions of individual relationships, organisational and societal factors simultaneously (Rappaport 1977:81).

In this chapter the development and consequences of sexual harassment will be discussed in order to address the diverse conditions that bring about sexual harassment in the workplace. The aim is also to provide a framework for identifying who and what are "at risk".

3.2 THE DEVELOPMENT OF SEXUAL HARASSMENT IN THE WORKPLACE

Bond (1995:152) identified various conditions that set the stage for harassment. Bond's explanation with regards to the occurrence of sexual harassment in the workplace, not only fulfills the criteria as described by Rappaport (1997), but also

considers the reciprocal interactions between different levels. Bond's explanation will therefore be used as a guideline for explaining how sexual harassment can develop in the workplace.

In the following discussion the types of individual and relationship factors which increase the risk of harassment in the workplace will be explained. The characteristics of the work environment which can contribute to a climate in which harassment is likely or even encouraged to occur will also be described. Finally, the different kinds of organisational climates which can inhibit or enhance the individual or relationship characteristics that put people at risk will be discussed.

3.2.1 Types of individual and relationship factors

3.2.1.1 *At risk relationships*

Bond (1995:152) states that power differences are emphasized in most of the analysis of the dynamics of sexual harassment and that definitions of sexual harassment always include some concept of coercion or the abuse of power. **Power** is thus clearly a significant variable in relationships at risk of sexual harassment. There is however, not a simple correlation between the power differential and the frequency of harassment.

Stringer, Remick, Salisbury and Ginorio (1990:36) stress that it is important to consider the different **sources of power**, for example gender, position, ethnicity, age and physical superiority in any society and how opportunities to exercise these powers, interact with individual and environmental factors to produce the behaviour of sexual harassment. It can thus be inferred that power is not only based on one's formal organisational position, but also in one's gender, resources and relationship style. Gutek and Morasch (1982:56) emphasize that power alone does not inevitably lead to sexual harassment. It has been found that women with the power within the organisation are not necessarily the one's harassed most frequently. Working on the same project or in the same area can both provide more opportunities for abuse and intensify the salience of the power difference.

Gutek (1985:55) maintains that women with **advanced degrees** are likely to be occupationally vulnerable as their careers may be more dependent on a particular job at a specific time. Thus, where a less educated person may leave one unskilled job for

another, a career minded professional woman is not likely to leave a prestigious position unless she has an equally good job elsewhere. These findings raise a concern that **relationships with transitory power differences** may be at particular risk.

In conclusion, it appears as if relative power sets the stage for harassment while other factors such as shared work commitments, may interact to determine whether harassment actually occurs.

3.2.1.2 *At risk women*

The most consistent finding in research on sexual harassment, is that **gender** is the critical factor in determining risk status (Bond 1995:154). Women (more than men) are the most likely victims (Fitzgerald et al 1988:172). Researchers are however beginning to understand what puts some women more at risk than others. Sexual harassment is not restricted to a particular group of women based on age, marital status, physical appearance, race, class, occupation or salary (Prekel 1993:5). While any woman in the workplace is a potential victim, research indicates that women in **certain circumstances** are more likely to be targeted.

The vulnerability of younger women to sexual harassment is reflected in the finding that female employees under the age of thirty five years report more harassment than older women (Gutek 1985:55). Bond (1995:155) states that given the finding that some higher status women are harassed more frequently than lower status women, it may be that it is the younger women within each status level who are more desirable targets for men. Thus, further research is needed to clarify the relationship between age and seniority in harassment situations.

A woman's **marital status** is strongly related to sexual harassment, although the harassment relationship may be complicated by other factors. Studies have indicated that unmarried working women i.e. women who are divorced, separated, never married or cohabiting, experience harassment more often than working women who are married or widowed (Gutek 1985:55). This could, at first glance, look like an indication that sexual harassment is an extension of invitations from one "available" individual to another. Victims however report that their harassers are usually married (Webb 1991:63).

Women of colour are at great risk for sexual harassment due to myths about their sexual or “promiscuous” natures and their concerns about limited alternative job options. According to the findings of Bond (1995:155) in the USA it is possible that these women experience sexual harassment to a greater extent than white women. They are however more likely to underreport it due to their economic vulnerability and the stereotyping of society regarding women of colour.

Lack of social and economic resources and marginality appear to be key conditions which put individual women at risk for sexual harassment. In these situations, harassers potentially have power based on position and gender as well as age and a stable support base.

Ethnic minority women within the workplace are often marginalised by, not only having less influence, but also by being more alienated from the central workings of the organisation. Women who are marginalised by virtue of being “different” from those determining the dominant culture of the setting, may also be at risk.

In figure 3.1 Prekel (1993:5) identifies **categories** of women who are particularly vulnerable to sexual harassment:

♀	A woman who heads her own household and consequently needs her job badly, particularly if she has dependants.
♀	A woman who lacks self confidence and is timid or insecure about her abilities.
♀	A divorcee or widow is often psychologically vulnerable because of the belief that she cannot “plead virginity”.
♀	Women who are eager to be accepted and liked and who find it difficult to be assertive and say “No”. Their friendliness and helpfulness is often misread as an invitation for a more intimate relationship.
♀	A woman with limited education who believes she has little potential for advancement and that she can be easily replaced. She may believe her only chance of survival and/or promotion is to succumb to the harasser who may have power to promote, hire or fire.
♀	A saleswoman may be pressured by clients to meet sexual demands in exchange for their business. To make matters worse, her superior (if she tells him) may urge her to comply (Prekel 1993:5).

Fig. 3.1. Categories of vulnerable women (Prekel 1993:5)

To sum up, women of all ages are harassed – physically attractive or plain, sexily or soberly dressed. A woman’s high rank of status in the organisation, or her ethnic group, is no insurance or shield. A man may regard her as a special challenge. If she succumbs, he will feel more powerful or say “after all, she is still just a woman”.

3.2.1.3 *At risk to harass*

Naidoo (1997:20) emphasizes that men who initiate sexual harassment, tend to emphasize male social and sexual dominance to a greater degree than men unlikely to harass. Marital status, position in the hierarchy of the organisation and age do not exclude male employees or employers from being harassers (Prekel 1993:4). It appears that in many cases, alcohol reduces inhibitions and men who normally would not, become harassers. This however is no excuse. In general, victims describe their harassers as older than themselves, likely to be married and with reputations for repeated episodes of sexually exploitative behaviour (Bond 1995:56).

A somewhat more insidious risk factor is the harassers' **failure to recognize and acknowledge their power**. Some men believe that sexual relations are ethically acceptable under certain circumstances, for example, when there was mutual consent. Bond (1995:157) argues that there is no such thing as "informed consent" when an individual is asked to comply with a request of almost any kind from someone with significantly more power. The structure of the working relationship, may provide the power and opportunity for **men with derogatory beliefs about women and little ability to empathize**, to express sexual aggression particularly towards those women with few social or concrete resources. The situation is made more insidious when the harasser does not recognize this power and views the woman as a free and willing partner in the "negotiation". Men who were brought up with macho beliefs like "real men pinch bottoms" or "girls were made to hug and kiss", tend to carry these social values into the workplace and treat their female colleagues accordingly. Such men often believe that women take their harassment as a compliment (Prekel 1993:2).

(i) Risk factors

Stringer et al (1992:38) identified the following important **risk factors** which could result in the occurrence of sexual harassment:

- ♂ **Personal crisis in the life of the harasser.** This is generally someone experiencing a life crisis such as divorce, aging or financial problems. These problems may create self-doubt about the harassers value as a "real" man as defined by society. This person (harasser) may attempt to regain his personal identity by asserting his sexuality - sometimes through sexual harassment. This form of harassment is time limited as it begins when the personal crisis begins and ends when the crisis is over.
- ♂ **Sexual attraction gone wrong.** If the attraction is only one way and non-reciprocal, it is, or can become sexual harassment. Very often this form of harassment begins with a mutual attraction and/or a relationship, followed by loss of interest by one party. The still interested party then continues to pursue the relationship in such a way that it ultimately becomes harassing and affects the work environment as well as the victim's ability to work.

- ♂ **Genuine deviance.** Alcohol and/or substance abuse, personality disorders and other socially deviant patterns, can lead a person to become a chronic sexual harasser in the workplace. These harassers can be charming, and convincing liars and often present a grandiose picture of their personal and organisational power.
- ♂ Another person who is at risk to harass is the **male who is genuinely trying to welcome a female** into the work setting but does not know how. Consequently he may attempt to show acceptance through sexual jokes, touching, comments or other sexual behaviour.
- ♂ Persons who have valued information are generally perceived as having more power than those who do not. Those who earn higher salaries are perceived as having more power than those who earn less. Higher status roles carry more power than lower status roles. The difficulty with **achieved power** results when **success is used in an abusive manner** to sexually harass someone else.

(ii) Roles assumed by sexual harassers

Otto (1997:75) maintains that another way of understanding sexual harassers is to look at the following **roles** they most commonly assume:

● *The confidante*

This type of harasser approaches women not as a superior who might be able to assist an employee but as a friend and equal. He invites their confidence, but also offers his own. He might even relate or invent stories about his private and professional life in an attempt to impress or win sympathy. Women in this position, feel that he values and trusts them and thus they become an involuntary confidante. The gestures of friendship from the harasser can create indebtedness. Without genuine mutual agreement, the relationship can become more personal and victims might find it difficult to extricate themselves.

- *The counsellor-helper*

This person uses the disguise of nurturer and caretaker to gain access to women. Women who feel lonely and isolated in the organisation might be flattered or consoled by his attention. He invites the woman's confidence and uses information exchanged in confidence to discover her vulnerabilities, and attitudes about men and sex. He then consequently tailors his personality to her specific need.

- *The pawn broker*

This is the most common type of harasser, as he trades on his ability to control credentials, recommendations or promotions. Explicit or implicit promises of rewards or threats of punishment exert enormous influence on women. As so much is at stake, women are unlikely to risk a complaint unless the harasser has been very overt about his intentions.

- *The intellectual seducer*

This harasser has the ability to impress women with his skill and knowledge.

- *The opportunist*

This individual uses meetings, conferences or field trips as occasions to escape institutional restraints. Advantage is thus taken (by the harasser) of the physical setting to obscure his inappropriate behaviour and to gain intimacy with women. Harassers hardly ever talk to women about the women's work performance or her career. Instead, they raise topics which suggest a high degree of self-absorption. A conversation topic which is even more likely, is the woman's personal appearance and clothing. Thus, they emphasize the women's femaleness over her role as worker.

These individual and relationship risk factors identified here, expand the overall picture of harassment.

3.2.2 Characteristics of the work environment and organisational climate

A discussion of the various characteristics of the work environment which can contribute to a climate in which sexual harassment is likely or even encouraged to occur, will now follow.

3.2.2.1 *Structural and functional issues*

Burrell (1984:101) maintains that organisations are sites of sexual harassment in which patriarchy and the control it gives men over women, is reflected. The organisational setting generally conveys meanings to the people in them and constrains and shapes people's behaviour (Gutek 1985:112). According to Webb (1991:63) the higher the percentage of men in the workplace, the more harassment occurs. Thus, the gender composition of the workplace is a structural factor which is clearly related to the incidence of sexual harassment, although the relationship is a complex one.

Sexual harassment is effective in maintaining male privilege and power by devaluing, diverting and intimidating women into less powerful, less usable and marginal positions (Hearn et al 1989:35). In traditional female jobs, such as those of nurses and receptionists, sexual harassment helps maintain the division of labour along gender lines by reinforcing the belief that men and women differ in significant ways in temperament, capabilities and interests. In traditional male dominated positions, where objective work requirements do not result in the subordination of women, sexual harassment will most likely occur when men fear that they might lose their privileged place in the labour force. In these situations where work role expectations do not overlap with female gender role expectations, sexual harassment seems to function to protect male domination of the occupation.

Knowledge of sexual harassment, discourages women from joining particular work groups, organisations or occupations. Bond (1995:160) emphasizes that even though sexual harassment has the impact of keeping women "in their place", it is unlikely that sexual harassment is a "plot" deliberately designed by men to keep women out. Rather, it has become an almost unconscious process supported by a long history of the exclusion of women in the workplace and a general resistance to change.

Whatever the intent behind harassers' behaviour, exposing the impact of harassment and the function that it serves, is critical to challenging the homeostatic process and pushing for system changes.

3.2.2.2 *Organisational climate and meaning of behaviour*

Those with power in the system, determine the dominant framework for how behaviour is understood, valued and interpreted within that setting. Thus, since men are dominant in most organisations where women work, they will determine the dominant framework. According to Hearn et al (1989:72) the meaning attached by men to certain behaviours in the workplace is often different from that attached by women. Yet, it is through men's dominant framework that sexual harassment is viewed. It is thus imperative to look at the differences in how men and women define, perceive and attribute responsibility in sexual harassment situations. Men are less likely than women to define sexual harassment to include sexual jokes, teasing remarks of a sexual nature and unwanted suggestive looks or gestures. Women on the other hand are more likely than men to disapprove of romantic relationships between superiors and employees. Women also experience a wider range of men's behaviours as bothersome and harassing than men do (Gutek 1985:32, Tagri et al 1982:51). Men on the other hand often discount women's concerns about their behaviour as being exaggerated sensitivity to a simple misunderstanding. Bond (1995:161) maintains that men view sexual harassment as a personal not an organisational issue. Men also endorse the view that a man's sexual attraction to women is "natural" and that women have to expect sexual advances and learn to handle them.

The dominant framework in work settings, is perpetuated by organisational socialization processes through which acceptable values and behaviours are defined. According to Tagri et al (1982:37) sexual harassment occurs within a systematic context of organisational climates, structures and authority relations which condone it. Norms within work settings contribute to sexual harassment. Gutek (1985:119) observed that the presence of a general unprofessional ambience and the sexualization of the workplace can also contribute to sexual harassment in organisational settings. Thus, implicitly promoting sexualized relationships between men and women. Such norms contribute to the dynamic of "sex-role spill over" where gender-based expectations overshadow work role expectations (Gutek and Morasch 1982:55).

As a result of the traditional domination by male's in organisations, the prevailing morality is characterized by male values for individual rights, competitions and entitlement and is based on respect for the autonomy of individuals. The morality of women, which is based more on responsibility for maintaining relationships, may put them in a position to protect and preserve the mentoring relationship through submitting to the mentor's harassing demands. The perpetuation of sexual harassment and the dominant framework that supports it, are thus facilitated by women's sense of responsibility for protecting others. It is further strengthened in professional settings by explicit institutional values which inhibit the challenging of harassing behaviour.

At risk climates can thus be described as those climates that promote sexualized views of women and embrace an ethos based on individual rights and entitlement. Such climates perpetuate a constructed definition of sexual harassment, cloud the view of women's competence and reject the notion of collective responsibility for addressing the problem. In such settings, the dominant framework is invalidating of women as it approaches women as a class rather than as individuals, denies women's experience(s) of harassment, treats sexual harassment as if it does not exist and isolates women in their victimization.

It can be concluded that even though several models have been proposed to explain sexual harassment, none of them can be described as a well developed theory, as few, if any have received adequate testing. Bond (1995:153) however, maintains that addressing the above mentioned issues, is the key to designing effective preventative efforts.

3.3 VARIABLES OF SEXUAL HARASSMENT

Lengnick-Hall (1995:856) identified six variables as crucial for understanding any theoretical model of sexual harassment in the workplace. The variables can be described as follow:

3.3.1 Harasser

Lengnick-Hall 1995:856) describes three types of harassers i.e.: the “hard core”, the “opportunist” and the “insensitive” harasser.

“**Hard core**” harassers have personality traits and past behaviours that separate them from other people. They are on an active lookout for situations that can provide them with the opportunity to harass. A victim’s direct confrontation is unlikely to put an end to the offensive behaviour of this type of harasser. The personality traits and past behaviours of “**opportunist**” harassers are more typical of the population at large. This type of harasser will refrain from sexual harassment most of the time. Even though they do not actively look for situations to harass, they will take advantage of any opportunity that might present itself. Confronting these harassers usually results in termination of the offensive behaviour. **Insensitive** harassers are those who are unaware of how their behaviours affect others. They however, do not intentionally seek to harass and will stop the harassment when confronted with the impact of their behaviour.

3.3.2 Situation

Situational variables provide the opportunity for the harasser to harass a victim sexually. Some situations, such as where women occupy non-traditional jobs or a sexualized climate in which sexual behaviour is openly tolerated, are more conducive to sexual harassment.

3.3.3 Behaviour

Sexually harassing behaviour can vary along three dimensions. It can occur invariably from once to very frequently. The behaviour may be severe (for example rape) or less severe (for example offensive language). It may also take different forms such as a physical, verbal or non-verbal form (Ryder 1998:28).

3.3.4 Victim’s response

Victims of harassment may respond to the harassing behaviour either directly or indirectly. A direct response can conclude confronting the harasser or filing a formal complaint. An indirect response on the other hand, may include evading, avoiding or ignoring the harasser.

3.3.5 Victim's interpretation

The responses of victims are generally allayed by how they interpret the harasser's behaviour and what actions their organisation takes in response to the behaviour. The background and personal history of the victim will influence her perceptions and determination of whether a specific behaviour is seen as sexual harassment or not. Childhood and adult experiences cause some victims to be more sensitive to certain behaviours than other victims. Additionally, the responses of colleagues and employers, may influence a victim's response to sexually harassing behaviour.

3.3.6 Organisational actions

Organisational actions play an important role in the victim's interpretation of potentially sexually harassing behaviour, as well as in moderating individual and organisational outcomes. The manner in which an organisation responds to sexual harassment in general (eg. tolerance/intolerance, strict/lax policy) and specifically (eg. retaliation/retribution against complaints) may cause victims to increase or curtail their interpretations of the behaviour and their responses to it. Organisational actions also moderate the relationship between a victim's response and individual and organisational outcomes.

Sexual harassment is a complex phenomena and poorly understood. An understanding and awareness of the aforementioned variables can however provide employers and employees with the insight to identify harassers, harassees and harassing situations. Knowledge of these variables can be used by organisations in addressing the problem of sexual harassment in the workplace.

3.4 CONSEQUENCES OF SEXUAL HARASSMENT

Case histories studied and research done both internationally and in South Africa, have proven that sexual harassment involve heavy costs for the organisations and employees concerned (Prekel 1989:34, Stringer et al 1990:43). According to Wagner (1992:9) some of the costs of sexual harassment are obvious and direct, for example costs of attorneys, awarded damages and settlement costs. Others however, are less clear-cut but may be even more significant when the emotional and psychological effects of sexual harassment in the workplace are fully considered.

3.4.1 Costs to organisations

If an employee is constantly concerned that the harasser might strike again, she is unlikely to deliver quality work (Crull 1982:541). Similarly, colleagues who are not directly involved, are likely to become demotivated if they are aware that the harassment is allowed to continue uncontrolled. Organisations might lose valuable staff because many female employees may decide to resign rather than to go through the unpleasantness of a confrontation. This can result in great financial loss for the organisation because of high recruitment and training costs, low productivity and a decrease in efficiency.

In organisations where employees do not have the option of quitting their jobs after being sexually harassed, a high absenteeism rate may be depicted. Prekel (1993:5) ascribes the absenteeism to the stress and the fear of being harassed again, which either results in physical and/or psychological illness, thus forcing the victim to stay at home. Those who become ill and take time off work, impose costs on the employer through sick pay and medical insurance payments. Consequently nervous, unhappy employees eventually lose interest in their jobs and may ultimately grow to hate the work itself.

Employees' knowledge that sexual harassment is permitted can undermine ethical standards and discipline in the organisation as employees will lose respect for and trust in those in positions of power, who favour or disregard such behaviour (Prekel and Wilkinson 1992:34). The image of the organisation will thus be affected negatively if its clients and the general public should learn that the organisation allows sexual harassment to prevail without monitoring the occurrence thereof.

3.4.2 Legal costs

If the problem of sexual harassment is ignored or condoned, organisations can incur astronomical legal costs (Prekel and Wilkinson 1992:31). Action may be brought against an employer who is aware of, or ought to be aware of the harassment and fails to take appropriate action. Inadequate channels of complaints may result in employer liability even if there was no knowledge of the harassment. Losing a sexual harassment lawsuit is the most obvious cost to employers (Webb 1991:115). Apart from the back pay of the harassee; general and consequential damages, as well as an order for the payment of legal fees of the complainant may add up to a substantial

monetary loss. Lack of clear policy can be problematic when disciplinary steps against a harasser need to be taken. It would therefore be easier for a harasser to take the organisation to court to appeal against disciplinary action or dismissal.

Wagner (1992:11) maintains that aside from monetary amounts awarded to successful charging parties, an employer must also bear the costs of mounting a legal defence, irrespective of the merit of the case. Investigating a complaint also has costs, as employees may need to be transferred or removed from positions. Inquiries or in-depth investigations may need to be conducted by personnel employed by the organisation. Alternatively, personnel from specialised agencies might be needed to perform this time consuming task. Internal expenses generated by the need to interview witnesses and the collection of all other relevant materials, may also prove to be unexpectedly costly. Thus, a small fraction of the costs channelled into training and other preventive measures, is money well spent.

3.4.3 Personal costs

Although the perpetrator and observers can be affected if sexual harassment is allowed to continue, it is the harassee who usually suffers the highest personal costs. Sexual harassment can produce psychological stress as a result of unexpressed anger, combined with decreased feelings of confidence and competence (Livingston 1982:17). The harassee is thus preoccupied with thoughts other than work.

The form of sexual intrusion is often immaterial because women are sometimes more distressed by persistent low-level harassment, for example leering, and consequently tend to exhibit similar symptoms as women who have experienced sexual and/or physical assault. Women are reportedly embarrassed and feel guilty as a result of the harassment. Their feelings tend to fluctuate between anger and fear which is exacerbated by cultural norms that hold women responsible for stimulating the sexual behaviour of men (Crull 1982:542). These feelings promote internalisation of the problem whilst inhibiting expression of anger. Sexually harassed women, like rape victims, feel degraded, cheap, confused and ashamed because of the experience. They often feel that the incident is their fault as they must have done something to invite the attention of the harasser.

The victim's confidence in her job performance can be gradually broken down by daily exposure to the harassing behaviour. She is often left wondering if the praise she received prior to the sexual overture was pre-empted by the harassers perception of the sexual potential in the relationship or if the later accusations of incompetence are conditioned by her resistance. Secondary losses, for example lack of support and empathy from family, friends or colleagues and retaliation when charges are filed, are other personal costs victims suffer as a result of the harassment (Broomberg 1993:15).

Women who resign because of sexual harassment, often have difficulty getting good references from their previous employers or giving reasons for having left their previous positions and thus may have difficulty in finding another position (Prekel 1993:6). Faced with the spectre of unemployment, job discrimination and a good possibility of repeated incidents of sexual harassment elsewhere, women usually try to endure. The cost of this endurance can however be very high, including physical and psychological damage. Harasseees are consequently forced to consider requesting a transfer or resigning. Thus the economic effect of sexual harassment on working women is anything but trivial. Victims pay a double penalty for transferring or changing jobs and this can have a negative impact on long-term job prospects. Promotions, merit increases, seniority and opportunities for further training are frequently linked to length of service. Victims of harassment who have no option but to transfer or change jobs, help to justify the perception that women are not interested in career opportunities. Thus the widely held view that women are unreliable workers is confirmed by the requests for transfers, poor job performance or absenteeism which is a consequence of the harassing situation.

The harassers themselves could develop bad habits if their behaviour is not addressed. This can have a negative impact on their effectiveness at work, interpersonal relationships and their personal development. Fellow employees, who observe the harassment going unmonitored, may not only lose trust in their superiors, but might feel threatened by the situation (Rubenstein 1991:36). This consequently has a domino effect in that it is not only the harassee's productivity that is affected, but the productivity of all other employees working with her.

3.5 CONCLUSION

The causes and consequences of sexual harassment vary from person to person and from situation to situation. Many of the causes are however interrelated and are linked to the culture and values in society, as well as in organisations and to roles, relative power and status of men and women. The search for a broader understanding of the nature of sexual harassment, should not lead to passive acceptance of the phenomena but should rather provide a base for discussion, as well as a beginning for resolution activities. There is a growing appreciation that the price paid in terms of loss of efficiency, poor morale, absenteeism and labour turnover, far outweighs the cost of installing an effective policy to deal with sexual harassment.

The fact that legislation with regards to sexual harassment is now in process, is an indicator of the widespread concern. As sexual harassment is basically a moral issue, the overall responsibility for its elimination lies within the individual rather than with the law. Both men and women need a safe and secure environment, free from intimidation and exploitation in which they can live and work. The only way in which this can be accomplished, is through a united effort.

CHAPTER 4

PREVENTATIVE MEASURES AND IMPLEMENTATION GUIDELINES FOR THE SOUTH AFRICAN POLICE SERVICE

4.1 INTRODUCTION

No organisation can ever be free of the occurrence of sexual harassment. The absence of complaints also does not necessarily mean that an organisation need not be concerned about this phenomenon (Faley 1982:597). It could in fact rather imply that victims of harassment do not know how to raise a complaint and/or fear retaliation. The primary aim of most victims of harassment is not to sue their employer for damages, but that the offensive behaviour should stop, that it should not recur and that they should be protected against retaliation for having made a complaint of sexual harassment.

Employers who make the effort to prevent sexual harassment from occurring, can benefit by avoiding a host of potential problems (Wagner 1992:121). The high level of emotionalism usually involved, embarrassment or fear of coming forward, and the lack of witnesses, make it more difficult to resolve sexual harassment allegations than other employee claims. Dealing with a sexual harassment claim may disrupt the work environment, result in unnecessary tension and damaged work relationships, divert time and effort that could have been used for production, and cost money in terms of legal fees. Prevention of sexual harassment thus appears to be the best tool for addressing the phenomenon as it is not only easier, but less expensive.

In this chapter, the researcher will explore preventative measures and implementation guidelines for addressing sexual harassment in the South African Police Service.

4.2 POLICY AS PREVENTION

Over the last decade, the most common strategy for addressing sexual harassment within organisations, has been to develop and implement formal policies and procedures to address this phenomenon (Bond 1995:163). The South African Police Service (SAPS) has finally developed and agreed upon a policy document on sexual

harassment for the SAPS in order to address this phenomenon in the workplace (see Appendix B). As the development of this policy is relatively new, its impact on prevention is still difficult to assess.

According to Rubenstein (1992:17) a sexual harassment policy should include four main components i.e. (i) a policy statement; (ii) a complaints procedure; (iii) disciplinary rules and (iv) a communication and training strategy.

4.2.1 Policy statement

The starting point in devising an effective policy, is a written policy statement which explicitly states that all employees have a right to be treated with dignity, that sexual harassment at work will not be permitted or condoned and that employees have a right to complain about harassment if it should occur (Rubenstein (1991:35). (In Appendix B paragraphs 1 and 4.3 of the sexual harassment policy of the SAPS, the South African Police Service explicitly states that everyone has the right to have their dignity respected and protected. It also emphasizes that sexual harassment is regarded as a misconduct and that employees have a right to complain about the harassment if these acts are committed within the course of employment or have or will have an adverse effect on the workplace.) If there is no policy statement which explicitly prohibits sexual harassment, employees who have been harassed are likely to feel that they have no effective means of recourse. Wagner (1992:109) states that a well-drafted, carefully thought out policy statement on sexual harassment can be valuable to an organization in at least three major ways i.e. (1) as an employee relations tool; (2) as basic education for both managers and employees on the subject of sexual harassment and (3) as a way of minimizing legal liability to the organisation in hostile-environment cases.

As an **employee relations tool**, the policy statement indicates the employer's concern for the well-being of its employees and its commitment to eliminating the problem. A well-administered procedure for dealing with sexual harassment situations, would also increase employee awareness and reliance on internal dispute-resolution processes when these are viewed as credible mechanisms. Policy statements can thus increase the likelihood of the internal resolution of problems and in return could result in greater organisational control over the situation as well as savings in legal and administrative costs.

As a method of providing fundamental **education regarding sexual harassment for managers and employees**, a policy statement should give clear guidelines for workplace behaviour by defining what sexual harassment is, and what it is not (see Appendix B paragraph 3 for the SAPS definition of sexual harassment as well as the guidelines for workplace behaviour). By making everyone aware of the rules, policy statements can also reduce the incidence of harassment. The policy statement should be issued by senior management and it should emphasize that all managers and supervisors have a positive duty to implement the policy (Rubenstein (1992:17).

According to Wagner (1992:110) well-drafted, well communicated policies may be most important as tools for **limiting employer liability** or **cutting liability off entirely**. Such a policy statement is not only evidence of an organisation's effort to provide a work milieu free of harassment, but coupled with a **proper** investigation that successfully ends illegal or inappropriate conduct, it provides evidence that all reasonable steps have been taken and that they were effective.

4.2.2 Complaints or grievance procedure

While policy statements may be responsible for creating the atmosphere, grievance procedures are perceived as necessary to provide employees with the mechanism for formal resolution of harassment complaints (Livingston 1982:11). The purpose of complaints procedures is simply to provide ways in which problems can be brought to the attention of those who can help to resolve it. Even though most organisations have procedures under which complaints or grievances can be registered, the problem continues to plague workplaces (Thacker 1992:51). Meyer et al (1981:189) advise employers that a consistent and accessible grievance procedure may increase the victim's feelings of potency and at the same time deter harassment. Rubenstein (1992:18) suggests that the "normal" grievance procedure may not be suitable for this particularly sensitive issue as grievance procedures usually require a complaint to be submitted initially to the first line supervisor, which in most cases will be a male (see Appendix C for the "normal" grievance procedure of the SAPS). Female employees may thus be persuaded from coming forward both because of the additional embarrassment involved in relating the details of the incident and because they may feel that they will not be taken seriously. In situations where the internal complaint-resolution mechanisms are non-existent, ignored or dysfunctional, the organisation also needs to consider providing an alternative, effective procedure for sexual harassment situations that is different from the mainstream complaint procedure

(Wagner 1992:113). Such a revised procedural mechanism would not only effectively limit the employer's liability in harassment law suits, but might also serve as a model to revive the organisation's mainstream internal dispute-resolution programmes so that more employee complaints can be resolved credibly and effectively.

The nature of sexual harassment problems require that complaints procedures be flexible and offer more than one route for employees to complain or to get information about their concerns (Webb 1991:44). A procedure should make provision for sexual harassment complaints to be brought either through "normal" channels or to specially designated individuals (Rowe 1981:46). The usual practice of having the supervisor as the first contact can create numerous problems as the supervisor in most cases is either the actual or alleged harasser or a friend of the actual or alleged harasser. Thus it is essential that provision is made for a procedure to bypass the supervisor and to be able to confide in an impartial colleague (Prekel 1989:31). According to Webb (1991:45) studies indicate that supervisors are often perceived as a weak link in the sexual harassment complaints procedure. In the sexual harassment policy of the SAPS (Appendix B paragraph 5) provision is made that victims need not necessarily have to report sexual harassment incidents to the first line supervisor. In light of the sensitive nature of sexual harassment incidents, other options have been made available to sexual harassment victims in the SAPS.

Employees are thus given the option of complaining to the supervisor or to any other designated individuals with no particular order assigned. Even though this practice might upset some supervisors, the aim is ultimately to get sexual harassment complaints reported and effectively resolved in-house, regardless of to whom the complaint was made. Baroni (1992:20) states that organisations should encourage internal processing of complaints and should simplify reporting procedures so that complaints can be brought to the attention of top management much more quickly.

The designated individuals need to be perceived as credible, objective and sensitive to the issue of sexual harassment and it would help if at least one of them is a woman (Webb 1991:45). Training and instruction of these designated individuals are thus of utmost importance.

4.2.3 Disciplinary rules or guidelines

A lack of rules prohibiting sexual harassment may constitute a failure to take steps to protect the right to privacy of employees (Cheadle 1997:5). Rules to prohibit sexual harassment, do not constitute an intrusion of an employee's right to privacy, as the right to engage in private conduct ends at the very point that the exercise of that right interferes with the privacy rights of other employees. It is imperative that offenders of sexual harassment be disciplined promptly and properly if the sexual harassment policy of the SAPS is to be taken seriously. A lack of action against an alleged harasser could result in feelings of powerlessness amongst victims and feelings of immunity amongst harassers, thus inadvertently encouraging sexual harassment (Livingston 1982:11). The disciplinary system of the SAPS relies heavily on the role of the supervisor for the successful management of the disciplinary regulations (see Appendix D for the disciplinary procedure of the SAPS).

The manner in which complaints have been handled in the past, conveys a message to employees about how the organisation perceives sexual harassment and the value it places on its employees. It also sets the tone (positive or negative) that impacts on future occurrences and complaints of harassment. Rubenstein (1992:18) emphasizes that disciplinary rules should explicitly state that sexual harassment will be regarded as a disciplinary offence (see Appendix B paragraphs 1 and 4.2 as examples). He further states that the rules should also indicate the penalties and liability which employees will face, should the offence be committed. This is not only a clear warning that can help employers in any defamation or wrongful termination case, but is again a strong indication of how the organisation feels about sexual harassment in the workplace. Even though the sexual harassment policy of the SAPS explicitly indicates in paragraphs 1, 4.2, 6.4 and 6.5 of Appendix B that sexual harassment is regarded as misconduct and that disciplinary steps will be taken against employees who commit this offence, it does not indicate the level of discipline that could be applied, should an employee be found guilty of this offence.

Wagner (1992:115) stresses that disciplinary consequences should also be raised in terms of conduct not defined as sexual harassment, but which weakens the organisation's ability to defuse the situation effectively, as well as leaves it open to lawsuits for defamation. Such conduct involves the spreading of rumours or leaking of information regarding the sexual harassment claim, the parties involved or the investigation and resolution. It is crucial that employees understand that allegations

of sexual harassment are serious and have potentially far reaching consequences in terms of both employer discipline and broader legal concerns involving personal as well as corporate liability (see Appendix B paragraphs 4.4 to 4.7 for the SAPS policy guidelines regarding the disciplinary consequences of conduct which negates the organisation's ability to effectively address sexual harassment in the workplace).

Sexual harassment grievance procedures and disciplinary guidelines alone are not sufficient to ensure that sexual harassment will be prevented (Riger 1991:503). The most carefully drafted, best-written policy on sexual harassment is useless if it is not communicated to all employees throughout the organisation.

4.2.4 Communication and training

The sexual harassment policy as well as the grievance procedure should be clearly communicated throughout the SAPS to all employees. Prekel and Wilkinson (1992:34) caution that it is important that a **proposal policy** should not be applied top down, but that management should rather use it as a starting point to:

- Make all employees aware of the problem and its potential negative effects.
- Open up discussions between employers and trade unions on the issue.
- Agree on a policy to be implemented that satisfies both the employee and organisation needs.

Wagner (1992:118) proposes that organizations should consider taking the following steps when the sexual harassment policy is adopted:

- Include the sexual harassment policy in the employee training manual, not just in the management's policy manual. Since employee training manuals should be reviewed regularly i.e. at least annually, it may be convenient to include a new policy on sexual harassment with other new statements. Through this, the organisation's objectives are achieved without singling out the topic.

- Make use of all opportunities and occasions to reinforce the basic message. Instead of issuing employees with a written document, use these times to review the policy verbally as part of a number of topics covered in that manner. Publish articles in the organisation's internal publications.
- Ensure that supervisors and managers are aware of the policy as well as the organisation's position on sexual harassment in general. Devise a way in which to train new supervisors and managers, early on in their new positions, regarding this phenomenon along with other need to know basics.
- Ask top/senior management to make known the policy and the organisation's commitment to it at seminars and management meetings.
- Caution management against discussing specific cases or situations even for training or education purposes unless care has been taken to minimize the risk of defamation.

The SAPS endeavours to include training and awareness programmes, which encourage gender sensitive practices and behaviour in the Services' education programmes in order to educate management and employees with regard to the appropriate procedures regarding the handling of sexual harassment cases (Appendix B paragraph 4.8). To sum up, the chances of minimizing the risk of sexual harassment, will be greatly aided if managers, supervisors and employees are provided with appropriate training both as to the organisations policies and procedures, and as to what constitutes unacceptable behaviour at work.

4.3 IMPLEMENTATION OF POLICY

According to Bond (1995:164) research indicates that in organisations where policies for sexual harassment do exist, many employees within the organisation are often unaware of them or see them as ineffective.

4.3.1 Guidelines for the implementation of a sexual harassment policy

Prekel and Wilkinson (1992:34) outlined the following guidelines to assist organisations in addressing the problem of implementing a more effective sexual harassment policy:

- Endorsement of the sexual harassment policy can be made a part of the organisation's conditions of employment.
- Making the topic of sexual harassment part of organisation seminars, management training programmes as well as general assertiveness training, will increase employees' understanding of the policy and their ability to cope with harassment, should it occur.
- Appropriate staff members can be appointed and trained as:
 - **complaints officers** with authority to institute disciplinary measures when necessary; and
 - **counsellors** to provide support and advice to victims or to counsel harassers if required.

These counsellors may be the same people as the complaints officers. They could possibly also train and sensitise managers and supervisors in the implementation of the policy.

- Employees and trade-unions should form part of the selection panel when these individuals are chosen. The names, positions, locations and contact numbers of these complaints officers and/or counsellors should be listed for easy and confidential access by staff experiencing problems.
- Complaints must be investigated as soon as possible and as carefully as possible.
- All investigations should be impartial. Any employee found guilty of harassment, should be subjected to appropriate disciplinary procedures, up to and including termination of employment.

- The procedures for redress can consist of **two stages**:
 - (i) Initially an **informal**, redress is implemented. This involves discussion and mediation with the relevant manager(s). According to Webb (1991:46) it is not always necessary that a complaint should be in writing or that it has to be signed before an investigation is initiated. She suggests that the manager should write down the complaint and specific allegations and use these notes in trying to resolve the situation.
 - (ii) Failing a satisfactory resolution, a **formal** redress follows, by submitting the case in writing to the managing director or complaints officer. The alleged perpetrator will be invited to state his/her case in writing, after which the matter will be dealt with under applicable disciplinary provisions.

Should these procedures fail or be ignored, the matter could be taken to the Industrial Court.

- The rights of all parties should be protected. Depending on the situation, anonymity may or may not be appropriate. Webb (1991:46) indicates that in many cases, the accused ultimately has a right to know the accuser.

If organisations clarify their positions in this manner, both the harassee and all potential harassers will be aware of their individual rights as well as what behaviour is acceptable in the workplace (Prekel and Wilkinson 1992:34). It is thus in every employers best interest to be pro-active and prevent the problem rather than being reactive and having to redress it after damages have been suffered by all parties involved. Merely issuing a policy statement may not be sufficient to create an environment that does not support harassment (Livingston 1982:10). The strength and detail of the statement might however provide evidence of the employer's commitment to eradicating sexual harassment and to providing a work environment free of harassment. More research is needed to determine the impact of wording on the effectiveness of policy statements.

4.4 MORE SUPPORTING MEASURES

Rubenstein (1991:35) ascribes the success of organisations, that have effectively dealt with the sexual harassment issue, to their **implementation of comprehensive programmes** which comprised the following **six elements** i.e. (i) a policy statement (ii) procedures for handling complaints (iii) top management support (iv) employee training (v) effective complaint resolution and (vi) follow up. According to Webb (1991:72) the first three elements i.e. policy, complaints procedures and management support can be viewed as the basic planning and preparation for implementation of the fourth element – employee training. The first three elements must therefore be in place before effective employee training can be initiated.

Earlier in this chapter (see 4.2) three of the above mentioned six elements i.e. policy statement, complaints procedures and effective complaints resolution have already been discussed. A discussion of the remaining three elements will now follow i.e. management support, employee training and follow up.

4.4.1 Management support

The attitude of managers towards the issue of sexual harassment can be a major obstacle to the effectiveness of training and education. Providing the staff at top management level with additional information and education during management briefings can help to sensitise them to the problem and convince them of the need for general employee training. In organisations with effective training programmes, the trainers used informal survey results, obtained from their employees, to give top management an indication of the extent of the problem within the organisation in order to indicate the need for attention to the problem and to gain their support (Webb 1991:72).

A good training programme requires commitment of considerable time and resources on the part of the entire organisation, not only in setting up the training but in employee time to attend the training sessions. A good training programme also takes time, effort and energy on the part of the trainer and all other individuals responsible for the sessions. Webb (1991:73) encourages trainers to use all means necessary to obtain the support of staff at management level albeit the giving of additional information, management training or even threats from the top, as without it the training programme will not be effective.

Management support is the first and most critical step in making the programme effective. Thus, management support, a policy statement and procedures for getting and handling complaints, should be in place before a training programme is undertaken.

4.4.2 Implementing employee training

An effective training programme should include a number of presentations and workshops for all employees. The programme should be divided into separate sessions for executive level management, supervisors and other managers as well as general level employees, as they all have different roles and responsibilities.

Webb (1991:73) outlines the following **guidelines for the implementation** of an effective **training programme**:

- All training sessions should include employees of both genders i.e. males and females. Separate sessions for men and women will only perpetuate the misconceptions that most men are guilty of harassment and that only women are victims. Both genders need to get the same message regarding sexual harassment.
- Training should commence with top management and end with general employees. If there is time constraints, the sessions can run concurrently. The programme should however be completed in a timely fashion.
- It is important that all levels of employees be included at some time in the training and educational effort.
- Professional trainers such as employee assistance practitioners, social workers and psychologists, from within the organisation or outside consultants, can be used to train the management component, general supervisors as well as the designated individuals. These individuals can then in turn educate the general level employees.
- Once it has been decided who will receive training, schedules can be set up for supervisors and general employees. This will allow all employees to attend the most convenient session, especially where there is a large number of employees to be trained.

- Supervisors can also help in scheduling their own employees and should be flexible with regard to work schedules. Employees who work together in one department or unit do not necessarily have to attend the sessions as a group. There may in fact be some benefit in their hearing the opinions and viewpoints of other employees.
- The notice or memo that goes out before and/or with the schedules, should indicate management's strong and positive support for these training sessions and the need to address sexual harassment in the workplace. The notice should concisely explain the purpose and content of the sessions and indicate that attendance is mandatory. No employee should be excused from attending these training sessions. The announcement is the first step in the training process and sets the tone for the entire programme. The written notice should thus be straightforward but not threatening.

4.4.2.1 *Approach used in training*

The emphasis in sexual harassment training should be on changing behaviour first and attitudes second. Webb (1991:75) maintains that changes in attitude are beneficial but optional and that behavioural changes are mandatory. The aim of the training sessions should thus be to bring about behavioural changes through increased awareness and understanding as well as skills development where necessary.

Each training session should address the needs of the specific group of employees who attends the session. Thus, the trainers should utilise teaching methods; for example presentations, exercises and discussions, which are most appropriate for the needs of the employees being trained. More emphasis should be given to the management supervisory level employees because of their responsibility to recognize and handle harassment and because of the organisation's legal liability where supervisors are concerned. When briefing top-level management regarding sexual harassment, the aim should be to provide basic knowledge and an understanding of the issue as well as implications for the organisation if the issue is not addressed. All other managers should attend the management or supervisory sessions. The general-employee presentation, is to provide basic knowledge and understanding of what sexual harassment is, and how to handle it. Throughout the entire programme, the

topic of sexual harassment must be approached as a work-related productivity issue and not solely a social, moral or feminist problem. Costs to the work environment and legal liability must continually be emphasized.

4.4.2.2 *Primary subject areas*

There are five basic subject areas or questions that must be addressed in a sexual harassment training programme (Webb 1991:77). These five areas should be included in the programmes for **all** levels i.e. executive, management or supervisory and general employee. The emphasis placed on each subject area, will depend on the level of the employees. Webb (1991:77) outlines the **subject areas** as presented in Figure 4.1.

- | |
|--|
| <ul style="list-style-type: none"> (i) Introducing the subject. (ii) Why are we here? (iii) What is harassment? (iv) Why should I worry about it? (v) What am I supposed to do? |
|--|

Figure 4.1 Subject areas in a sexual harassment training programme (Webb 1991:77)

A discussion of the subject areas as outlined in Figure 4.1 will now follow:

(i) *Introducing the subject*

The introduction should be written by the trainer in order to individualize the session to his/her own style. The purpose of the introduction should be to set the tone of the session, to indicate parameters of the workshop or training session, to make known the trainer's expectations and to reduce defensiveness of participants by putting them at ease. In order to achieve its purposes, the introduction should include:

- A short introduction by a prominent official in the organisation who will welcome employees and clarify the organisation's position and attitude towards the issue of sexual harassment in the workplace. The organisation's expectations regarding the participation of all employees need to be emphasized.

- An introduction of the trainer (if necessary) by this same official.
- Where the trainer chooses to introduce her/himself, an indication should be given regarding the trainer's background, experience and approach to training.
- A statement that the purpose of the session is to learn about, and to try and understand a complex issue and not to embarrass or punish anyone.
- Information about the format of the training session and when questions will be allowed.
- Establishment of "rules" regarding time frames, breaks, reactions and responses. An opportunity for questioning should be allowed before the session starts.

The introduction is primarily for use in the supervisory and general employee level sessions.

(ii) Why are we here?

Often employees do not want to believe that sexual harassment exists or that it really is a problem in the workplace. By relating the history of the phenomenon and giving an overview of the problem, the trainer can begin to address employees' lack of awareness. A brief statement of the prevalence of sexual harassment in their own particular organisation, can also be presented here. Statistics can be used to make employees aware of the incidence of the phenomenon. Details of individual cases should be omitted. Where no incidents of sexual harassment have been reported, the preventative nature of training can be emphasized.

(iii) What is harassment?

Considerable time should be allocated to getting employees to understand and to develop their ability to make the distinction between incidents of behaviour that are appropriate, inappropriate and illegal. This is crucial for supervisors

who are expected to evaluate and diagnose problem situations. Defining harassment is usually easier than actually recognizing it, when it occurs, because it varies from situation to situation and from person to person.

(iv) *Why should I worry about it?*

Employees must be concerned about sexual harassment because of the costs and consequences for all involved. The existence of laws, policies and procedures regarding sexual harassment makes it imperative that employees get acquainted with the issue as ignorance can have detrimental results.

(v) *What I am supposed to do?*

At this point, the organisation's own procedures should be emphasized. All training should take into account the unique responsibilities of all employees at each level and should spell out specifically what is expected of them. Thus, the differences in responsibilities will indicate the type of training needed at each level.

For practical reasons, training regarding sexual harassment should be divided into separate sessions for the different levels of employees. It is however, imperative that the aforementioned five basic subject areas should be included in all training sessions irrespective of the levels of the employees.

4.4.2.3 *Use of training manual*

Wagner (1992:122) and Thacker (1992:53) agree with the aforementioned author and suggest that the training manual should address the **specific training needs** of the **different levels** of employees as follows:

(i) **Manager and Supervisor level**

Ideally all managers and supervisors should have a fundamental knowledge of equal opportunity and affirmative action issues, labour law and organisational policies regarding sexual harassment. Basic information regarding the theory and application of the organisation's human resources

policies, could also give managers a better understanding of the fact that personnel decisions have consequences for the individuals involved and also for the organisation.

Training of supervisors and managers should thus include:

- Definitions of sexual harassment i.e. what sexual harassment is and what it is not – from both legal and practical points of view.
- Differences between sexual harassment and inappropriate conduct and why both needs to be banned from the workplace.
- Types of sexual harassment and the implications there of for employer and personal liability.
- The need for minimizing any discussion of sexual harassment situations, both formally and informally.
- The legal and organisational requirements for non retaliation against those who raise sexual harassment concerns.
- What every supervisor and manager is expected to do in terms of personal conduct or worker relationships in his/her own unit or department to prevent sexual harassment from occurring.
- The need for early reporting as well as the identity of the designated individual(s) who will handle reports of possible harassment.

In addition, an interpersonal or behaviour-awareness component should be built into their training programme. This can be done either through group discussions, critiques of video taped scenarios or gender-switching role playing (Thacker 1992:53).

This kind of training aims to:

- Sensitise managers and supervisors to differences in perception between the two genders.
- Have supervisors experience the feelings of both the accuser and the accused.
- Raise awareness of the more subtle forms of sexual harassment.

(ii) Employee level

At this level, the emphasis should be on expectations for interpersonal behaviour rather than on legal and management issues. Such training should thus include:

- Clear examples or video material of what sexual harassment is and what it is not.
- Strong messages by credible, high ranking officials in the organisation, that sexual harassment will not be tolerated by the organisation.
- Review of the organisation's policy statement on sexual harassment with emphasis on the investigative process and possible disciplinary outcomes.

(iii) Investigators or designated individuals level

The result of the harassment investigation, will depend on the quality of the fact finding process and will affect both the employer and employee. As investigations are frequently emotion laden, highly charged events with high stakes for all involved, the investigator of the alleged harassment complaint should be thoroughly trained in:

- The legal definition of sexual harassment as interpreted by the industrial courts of South Africa as well as the policy of the organisation.
- The employers legal obligations and the ways of discharging them.

- Ways of dealing with reluctant witnesses. Questioning techniques designed to elicit explanations of the entire situation.
- How to assess personal interviews and to make credibility judgements on more than simple gut feelings.
- Mediation skills for the handling of employee disputes in order to structure resolutions satisfactory to all parties.
- The making of recommendations for disciplinary action based on facts and the credibility judgements made.
- Documentation of the facts obtained and the process of the investigation for both internal and external reference checks.

From the aforementioned, it can be concluded that prudent employers can do more, both through education and training and by implementing strategies to encourage employee communication of sexual harassment concerns through appropriate channels in the organisation.

4.4.3 Follow up and follow through

A costly mistake that organisations often make is to assume that once they have “done” their harassment programme, it is over, finished and complete. Efforts at addressing and eliminating sexual harassment should be seen as an overall, ongoing programme within the organisation, not as just a one time or short term issue. Webb (1991:50) emphasizes that employee training should occur on an annual basis, for new recruits as part of employee orientation, and that supervisors (especially those newly promoted to supervisory positions) should be provided with updates and reminders in the form of annual training. She also suggests that each case of sexual harassment should be used as an opportunity to reaffirm management’s position that such behaviour will not be tolerated in the organisation.

Having a training programme can be one of the best defences for an organisation in a sexual harassment case, both as a preventative measure and as a remedy. Training is a proven mechanism for promoting an organisation’s policies and procedures,

whilst increasing the awareness of all employees regarding their **roles** and **obligations** under the policies (Otto 1997:148). A discussion of the roles and the obligations of all parties involved will now follow.

4.5 ROLES AND OBLIGATIONS

Organisations, personnel specialists, managers and employees can and must work together to eradicate sexual harassment. Commitment from all these parties can help ensure that the growing numbers of women in the workplace fit into teams as individuals of value.

4.5.1 Roles and obligations of employers or organisations

Prekel and Wilkinson (1992:33) state that an employer has a duty to ensure that its employees are not subjected to this form of violation within the workplace. Employers should thus encourage employees to take preventative measures in order to minimize the occurrence of sexual harassment. They should also offer strong emotional support to employees as well as protection from retaliation from colleagues or supervisors (Rowe 1981:44). According to Baroni (1992:20) employers have **two general responsibilities** towards employees and supervisors/managers i.e.:

(i) Development of a policy

A strong policy, identifying and prohibiting all forms of sexual harassment should be developed. Prekel (1989:31) states that an organisation's policies and guidelines should be based on sensitivity and tact. The establishment and communication of grievance procedures by employers are crucial components for the resolution of harassment complaints.

(ii) Education and training

Top level management should communicate clearly through policies and their actions that sexist attitudes and behaviour will not be tolerated. Bond (1995:168) maintains that it is the responsibility of the organization as a whole to develop an empowering climate in the workplace in order to enable women to become full participants in, and to gain mastery over their work lives. Riger (1991:503) states that perhaps the most important factor in reducing the

incidence of sexual harassment, is an organisational culture that promotes equal opportunities for women. Sexual equality can be promoted by placing more than one woman at a time in male workgroups of equal occupational position. In male dominated occupations, peer group attitudes toward women must be changed so that the gender role of women is not asserted over and above their role as workers. Here, organisational policies must actively support women in the workplace and see that these are carried out.

Effective implementation of organisational policies, would encourage the basic interpersonal change in attitudes and behaviour necessary for women to have equal opportunities in the workplace (Hemming 1985:76). Little data is however available regarding assessment of the extent to which employers have taken the above mentioned actions or the effectiveness of these actions (Livingston 1982:9).

4.5.2 The roles and obligations of professional personnel

Professional personnel like employee assistance practitioners, social workers and psychologists, can assist employers in several ways in their efforts to combat sexual harassment. They can play a major role by bringing the seriousness of harassment to the attention of management and employees by helping to formulate and implement appropriate policies (Prekel 1993:7). In addition to the guidance they might provide to employers who wish to set up sexual harassment training programmes, professionals can also help to clarify the extent of the problem in the organisation by making use of research surveys. According to Faley (1982:598) no reliable account of how extensive sexual harassment really is, has been documented. Professional personnel can also help employees to deal with the consequences of sexual harassment as well as with personal tendencies towards harassment.

One of the most important areas in which professionals can make an impact, is in helping the organisation to gain a better understanding of what sexual harassment is and its impact on employment. An increase in employees' knowledge in these areas could help organisations to define the problem better. Faley (1982:599) cautions that although professionals may assist in determining what an offensive work environment looks like, it will always remain the courts prerogative to determine when a work environment stops being bearable and becomes humiliating and hostile.

4.5.3 Roles and obligations of managers or supervisors

Managers or Supervisors have a positive responsibility to discourage and prevent sexual harassment from occurring in the workplace. The supervisor has the tasks of evaluating whether the alleged harassment is actually taking place and then to decide how to resolve the problem with the least embarrassment and financial loss to the organisation (Branson 1988:11). According to Rubenstein (1991:36) managers or supervisors should in particular:

- Take prompt action to stop sexual harassment as soon as it is identified. Supervisors who do not know how to identify harassment, sometimes fail to address and deal with the issue, once it has been reported (Baroni 1992:20). Supervisory inaction can be incriminating to the employer, since it could be interpreted as a form of tacit approval or as condoning the conduct. By pointing out that the behaviour is unacceptable, managers will be able to put a stop to the problem effectively, without the need for further action.
- Ensure that offensive or potentially offensive material is not displayed in the workplace. Notify staff (with a written policy statement) that sexually harassing behaviour is illegal and unacceptable and will be treated as illegal employee misconduct.

Webb (1991:93) outlines the following steps for managers and supervisors:

- Talk clearly, directly and seriously with subordinates about the issue of sexual harassment. Answer questions and spell out what is expected of employees.
- Establish lines of communication with subordinates and make it known that an open door policy exists with regard to sexual harassment. Invite employees who think they are harassed by supervisors, to talk with other designated individuals.
- Be alert to what is happening between employees; try to anticipate problems.

- Include sexual harassment awareness as part of the orientation and training of new recruits.
- Make known to all subordinated the grievance procedure for complaints regarding sexual harassment.

There are **four instances** where supervisors are expected **to deal with sexual harassment**:

- (1) When a complaint is **made** to them.
- (2) When they see or hear about behaviour that they **think** might be harassment.
- (3) When they see or hear about behaviour that they **know** is harassment.
- (4) When they **engage** in behaviour with others that might be offensive.

4.5.3.1 Guidelines for supervisors for the handling of sexual harassment complaints

Webb (1991:95) identified the following guidelines for supervisors for the handling of sexual harassment complaints in four different situations as presented in figure 4.2, figure 4.3, figure 4.4 and figure 4.5.

(1) *In situations where an employee complains to the supervisor about sexual harassment.*

DO:

- Listen attentively to the employee and find out what action the employee wants to take. The employee might only want to make the supervisor aware of the incident and to get more information about her rights. Branson (1988:10) suggests that supervisors remember that sexual harassment can be a two way street.
- Be supportive by offering to talk to the harasser privately or by meeting with the two of them together, if the victim wants the supervisor's help in resolving the problem.
- Document who, what, when and where of the discussion with the complainant. Never promise complaining employees that what they say will be kept confidential, as it is a promise that sometimes cannot be kept.
It is good practice to read what has been written back to the employee to ensure that it is correct. These notes can then be used in resolving the situation.
- Encourage the harassed employee to be more assertive and to say "no" to the harasser.
- Treat the harasser's behaviour as any other incident of serious misconduct would be treated by following the organisation's disciplinary procedures.
- Correct and stop the inappropriate behaviour immediately. Most harassed employees file lawsuits as a last resort because they were unable to stop the harassment.

DO NOT:

- Tell the victim to ignore the harassment as most cases get worse when ignored.
- Assume the victim asked for it or is at fault.
- Joke, laugh at or discount the victim.
- Tell the victim to get physical in return or to outwit or embarrass the harasser.
- Allow the behaviour to continue as it is illegal.

Figure 4.2 Situations where a sexual harassment complaint is made to the supervisor (Webb 1991:95).

(2) *In situations where the supervisor suspects possible sexually harassing behaviour but is not totally sure.*

DO:

Ask the recipient of the behaviour, whether she experiences the behaviour as harassing or offensive. Employees may need to be told that they do not have to put up with such behaviour from others.

DO NOT:

Allow it to wait until "next time" as it probably will get worse.

Figure 4.3 Situations where the supervisor suspects possibly sexually harassing behaviour (Webb 1991:95)

(3) *In situations where the supervisor identifies definitely sexually harassing behaviour.*

DO:

Talk with the harasser and correct the behaviour immediately.

DO NOT:

Wait for the victim to complain before taking action.

Figure 4.4 Situation where the supervisor identifies sexually harassing behaviour (Webb 1991:95).

(4) In situations where the supervisor has harassed an employee.

DO:

Stop the behaviour - do not repeat it. Ask the party if your behaviour was or is bothersome or embarrassing. If she says "no" ask again to be certain.

DO NOT:

Assume that the person does not mind or likes the behaviour, since she has not thus far objected.

Fig 4.5 Situations where the supervisor suspects that he/she bothered or offended another person (Webb 1991:95).

Implementation of the abovementioned guidelines by the SAPS will not only help supervisors to deal with sexual harassment complaints more confidently, but will also ensure consistency in the manner in which complaints will be handled in the future.

4.5.4 Roles and responsibilities of Individuals

Rowe (1981:43) states that complainants must be willing to take action themselves in a rational and responsible way.

The aims of individual action are:

- To give the harasser and the harassee a chance (usually for the first time) to see things the same way. Discussion may help since neither party may have any idea of how the other sees the problem. Entry of a third party at this point, usually polarizes the views of opposing parties further.

- To give the accused fair warning and the chance to make amends. This may however not be possible for serious harassment cases.
- To provide some evidence of the offence, since there is usually no substantial evidence at all. This step is crucial if management or the courts should later take action.
- To give the victim the opportunity to put a stop to the harassment without experiencing public embarrassment, causing the harasser to lose face or damaging the organisations' reputation.
- To provide harassees with a way to demonstrate that they tried all reasonable means to make the harassers aware that the sexual attention is unwanted and should be stopped. Rowe (1981:43) suggests that victims write a letter to the harasser when verbal requests to have the harassment stopped, have failed. Even if a written request to stop does not succeed, the victim is still better off for having tried to stop the offence in a direct and unambiguous way.

Taking action in this or similar ways, often has a powerful effect on all involved. Taut nerves relax as victims learn that they can protect themselves. Productivity improves. Aggressors sometimes go for help through which their self-esteem may improve. They may also stop harassing colleagues, who could have become victims. Webb (1991:97) however cautions victims of harassment to first gain perspective and to formulate a plan for resolving the situation before taking action. The author also emphasizes that it will take considerable thought and energy to come up with creative solutions for this sensitive problem as each situation is unique.

Prekel (1989:30) suggests some practical approaches as presented in Figure 4.6 that may help women in the workplace to cope with their work and with the harasser.

- Be professional in behaviour, dress and discussions at work. It might be safer to seem a bit of a prude if it saves you the hassles of harassment. Focus on being a competent person at work and rather save your sexy dresses and naughty jokes for your social life.
- Make your position clear. It is dangerous to play along with a flirtation even jokingly. Make sure your message is unambiguous.
- Playing deaf or ignorant may also help. If you pretend not to hear or understand a "pass" or suggestion, the man may back off and turn his attentions elsewhere. It might sometimes work to treat the pass as a joke but there is the risk that the harasser might feel insulted and retaliate or he might even think that you are interested.
- Avoid situations which could create an opportunity. Rather accept an invitation for lunch or tea instead of dinner or cocktails. Go out in a group rather than a twosome. Travel in your own car if possible, so that you are independent.
- If the harasser persists, it may help to befriend his wife as this might encourage him to explore other possible relationships.
- Be informed regarding your organisation's policies on misconduct of this kind.
- Do not overreact and see every male colleague as a potential "office rake". Try to build relationships of mutual respect and trust. If colleagues are aware of your principles, they may be able to defend you if necessary.
- Have answers ready for possible approaches, for example "I prefer to keep my personal and professional life separate". By making such a firm policy statement you can state your case without rejecting or insulting the other party (even if he is not deserving of your thoughtfulness). On the other hand, it is not necessary for any woman to apologise or to give reasons. Sometimes a simple "NO" will eventually get through. Here, assertiveness training and development of a healthy self-esteem can help women to deal with harassers (Prekel 1993:7).
- Check whether other women are having similar problems as an harasser tends to have a history of bothering several women over time. This might strengthen the victim's case if she should decide to make a complaint to the personnel department.
- Remind the harasser of your rights and name his behaviour for example "what you are doing is sexual harassment and it is illegal. If you do not stop, I am going to lay a charge".
- If a problem develops, document interactions in detail in case you need to make a formal complaint later. Keep record of when and where, what has been said and done as well as your own responses. If there are any witnesses to these incidents, this should be recorded in case corroboration should later be needed.

Figure 4.6 Practical approaches to help women cope in the workplace (Prekel 1989:30).

If woman adhere to the suggestions made in Figure 4.6. they will be better equipped to handle unwelcome sexual advances in the workplace.

4.6 OTHER PRO-ACTIVE OPPORTUNITIES

In Figure 4.5 Wagner (1992:26) and Prekel (1993:7) outline other pro-active opportunities that could prove valuable to organisations like the SAPS in addressing sexual harassment.

(i) Equal opportunity programmes

An effective equal opportunities programme, which ensures well designed career planning for all (based on merit but ensuring that historically disadvantaged employees get a fair deal) will reduce the vulnerability of individuals to harassment by people who abuse power and authority.

(ii) Creating a positive corporate culture

A positive corporate culture in which the rights and dignity of all employees are recognized and respected and where management sets a positive example, will do much to create a healthy environment in which sexual harassment will be unable to flourish.

(iii) Rumour and innuendo

Line managers and human resources professionals are frequently hearing the latest, office gossip. When whispers regarding sexual harassment is heard, particularly when the same persons are involved, the employer cannot ignore these rumours. Direct enquiries may uncover a situation that requires fast and professional intervention.

(iv) Walking the floors

A quick preventive measure with significant potential payoff, is simply to walk through the office premises. As you walk through, look and listen for:

- Any displays of graffiti in rest rooms, photocopying rooms, locker rooms or in nooks and crannies.
- Any displays i.e. posters, calenders and magazines of a sexual nature in offices, cubicles and other public spaces.

- Any general exchanges where the content is sexual or harassing in nature. Friday afternoons are a good time for this kind of informal check.
- Any concerns should be discussed with the manager or supervisor involved so that preventive action can be taken.

(v) Complaint resolution audits

Conducting an informal audit of the organisation's internal complaint resolution system, is another good preventative measure (Webb 1992:127). This in depth monitoring may continue for quite some time, until the credibility and trust that make the system function well, have been rebuilt.

(vi) Getting references

Employers who hire individuals without inquiring into the individual's personal record and history of mental illness involving violence or abuse of others, will increasingly be subjected to unexpected and unwanted litigation and negative publicity.

(vii) Conducting employee surveys

As sexual harassment is a volatile issue with detrimental consequences for all involved, employers should conduct a survey amongst all levels of employees. The whole range of behaviours and the consequences of harassment should be emphasized. The results of these surveys should then be published.

Taking steps to prevent sexual harassment before it occurs, benefits not only the organisation but also the individual. Thus, these preventative measures can be of great value to the South African Police Service and all its employees provided the staff at management level, professional personnel and all other levels of employees commit themselves to working together on implementing the aforementioned preventative measures to address and eradicate sexual harassment.

4.7 CONCLUSION

Merely dealing with complaints of sexual harassment on an **ad hoc** basis as and when they occur is unlikely to be an affective way of addressing the issue. Neither the preventative measures discussed nor the assistance of professionals can guarantee an employer that sexual harassment will not occur or that complaints and litigation will not follow. They can however, both help to create a climate within the organisation that discourages such conduct. A comprehensive and genuine policy against sexual harassment will carry the message to all employees that such behaviour will not be tolerated. No policy can however be expected to eliminate the problem. Awareness of the problem and other strategies of dealing with it, will however help to reduce its extent dramatically.

Employee assistance professionals, like the industrial social worker in the SAPS, have the skills to play a major role in assisting both the SAPS and its employees to cope with this insidious and destructive problem. They should thus take initiative and get the SAPS to act against sexual harassment by implementing a programme which will be effective and acceptable to all parties concerned.

CHAPTER 5

PREVALENCE, EFFECTS AND EXPERIENCE(S) OF SEXUAL HARASSMENT IN THE SOUTH AFRICAN POLICE SERVICE

5.1 INTRODUCTION

Case histories and research, both internationally and in South Africa, have proven that sexual harassment can incur great legal, personal and financial costs for organisations and employees, if measures to address this phenomenon is not implemented. Few organisations are aware of the extent or the effects of the problem of sexual harassment as most victims tend to suffer in silence and because sexual harassment usually occurs in private (Prekel 1992:33).

The objectives of the study were to present demographic data on the prevalence, negative effects and actual experience(s) of sexual harassment of female employees in the SAPS; and also to describe the opinions and awareness of these employees with regard to the occurrence and handling of sexual harassment in their workplace. These objectives have been formulated in order to achieve the overall aim of the study, which is to present guidelines for the composing of a training programme for the implementation of the existing sexual harassment policy in the South African Police Service. The results of the empirical study which was undertaken by the researcher, will now be discussed.

5.2 PLACE OF STUDY

The research study has been demarcated to one area in the West Metropole of the South African Police Service in the Western Cape. The sample for the study was drawn from the female population of the following police stations in the West Metropole of the SAPS : Athlone, Grassy Park, Lansdowne, Manenberg, Mitchells Plain, Pinelands and Wynberg. The demarcation of the place of study was explained in Chapter 1 of this report.

5.3 THE EMPIRICAL STUDY

The study population consisted of 288 female employees. Using the purposive sampling technique, one-hundred-and-fifty questionnaires were administered to female employees at the police stations in the demarcated area (see Chapter 1). Only one-hundred-and-four female employees were willing to complete the questionnaire (Appendix A) which was not compulsory. The respondents completed the questionnaire in small groups at each of these police stations in the presence of the researcher. The questionnaire was based on the aim and objectives of the study as described in Chapter 1, as well as on the content of the literature study which was presented in chapters 2, 3 and 4 of this report.

Confidentiality of the study and anonymity of respondents were emphasized in the small groups to encourage female employees to participate in the study. Feedback of the results of the study was promised in order to give respondents a sense of meaningfulness with regard to their participation.

5.4 RESULTS OF THE RESEARCH

The data collected with the help of the completed questionnaires will now be discussed in the same sequence as presented in the questionnaire. Tables and figures are presented to describe responses to closed-ended questions. The responses of respondents to open-ended questions, which were used to obtain qualitative data, were analysed and categorised. This data is presented in a descriptive manner.

5.4.1 Demographical characteristics of respondents

Confronted with the need to meet increasing expenses and concerned about meeting self-actualization ideals, women have rushed to enter the workplace, drastically altering both the work and the family patterns. Given the nature of the changing demographics of the workplace, it is not surprising that work has become the primary daily social experience for a large number of women. According to Wagner (1992:12) stereotypical perceptions have developed in the workplace regarding the skills, knowledge and effectiveness of women in the workplace. These include the perceptions that women do not stay with their jobs, that they lack education and experience and that they are incapable of making decisions based on fact and logic. Wagner (1992:12) further maintains that the factual basis of these stereotypes are often the result of sexual harassment.

Thus, the data obtained from the completed questionnaires will be used to present a demographic profile of a victim of sexual harassment if it should appear that respondents were sexually harassed.

In this section, the findings of the demographical characteristics of all the female respondents (i.e. 104 respondents) will be discussed.

5.4.1.1 *Ethnicity of respondents*

Different views and findings exist in literature with regard to the impact of ethnicity on sexual harassment. According to Bond (1995:155) women of colour in the USA experienced sexual harassment to a greater extent than white women. Broomberg (1993:15) found that no women in South Africa is especially protected from sexual harassment but that the burden is doubled for women of colour. The researcher wanted to determine whether these findings are applicable to the situation in the SAPS.

Table 5.1 below reflects the ethnic distribution of respondents.

TABLE 5.1 : ETHNIC DISTRIBUTION OF RESPONDENTS

ETHNIC GROUP	N	%
Black	7	6,7
Coloured	84	80,8
Indian	0	0
White	13	12,5
TOTAL	104	100

N = 104

The findings in Table 5.1 clearly indicate that the majority of respondents 84 (80,8%) are coloured. Of the 104 female respondents, only 13 (12,5%) were of the white ethnic group and only 7 (6,7%) were of the black ethnic group. None of the respondents belonged to the Indian ethnic group. The high frequency of coloured respondents can however be ascribed to the fact that the area from which the sample was selected is dominated by employees of the coloured ethnic group.

It can therefore not be assumed that only coloured females have been or are being harassed in the SAPS, as these findings will in all probability differ from area to area depending on the ethnic distribution of employees.

From the above table it would appear that the statement made by Webb (1991:87) that sexual harassment is not limited to any particular ethnic group is more applicable in this instance in the SAPS.

5.4.1.2 Age distribution of respondents

In 1988 the United States Merit Systems Protection Board found that women 45 years and older were less likely to report incidents of sexual harassment, while women between the ages of 24 and 34 reported having experienced the most severe forms of sexual harassment (Riger 1991:497). Although women over the age of 35 years are not immune to sexual harassment, younger women who are perhaps less experienced with work and harassment and perhaps more desirable targets for men, are more often victims (Gutek 1985:55).

The age distribution of respondents are reflected in table 5.2 below.

TABLE 5.2 : AGE OF RESPONDENTS

AGE	N	%
19 - 24	16	15,4
25 - 30	41	39,4
31 - 36	28	26,9
37 - 42	13	12,5
43 - 48	4	3,9
49 - 54	2	1,9
55 and older	0	0
Total	104	100

N = 104

Table 5.2 reflects that 41(39,4%) of the female respondents fall into the age category of 25 to 30 years of age. This is followed by 28 (26,9%) respondents who are aged between 31 to 36 years and 16 (15,5%) respondents who fall into the age category of

19 to 24 years. It can thus be concluded that the majority of respondents 85 (81,7%) are from the younger age group namely 19 to 36 years of age. The vulnerability of younger women to sexual harassment is thus reflected in the above findings.

Bond (1995:155) maintains that it is the youthful women in each status level who are most at risk of being harassed.

5.4.1.3 Education of respondents

Gutek (1985:55) states that women who are well educated are just as likely to be harassed as women who are less educated. The qualifications of respondents have been investigated with the view to ascertain whether the levels of education of respondents in any way contribute toward the occurrence of harassment.

The findings of the survey are reflected in Table 5.3 below.

TABLE 5.3 : QUALIFICATION OF RESPONDENTS

QUALIFICATION	N	%
Grade 7 and lower	0	0
Grade 8 -10	9	8,7
Grade 11 - 12	53	50,9
Diploma	29	27,9
Certificate	11	10,6
Degree	2	1,9
Total	104	100

N = 104

The above table shows that 53 (50,9%) of the respondents have a qualification equal to grades 11 to 12. This is followed by 29(27,9%) respondents who have furthered their education and now hold a diploma and 11 (10,6%) respondents with a certificate. Hemming (1985:78) states that evidence of the victim's competence in the work sphere should be made known to counteract beliefs engendered by the harasser. Only 9 (8,7%) of the respondents hold the minimum qualification (grade 8 to 10) set by the SAPS. Two (1,9%) respondents have a degree and no respondents had a qualification of grade 7 or lower.

Even though 62 (59,6%) of the respondents are not well educated, they do however meet the qualification requirements set by the SAPS. It can thus be concluded that these respondents are (irrespective of their education level) just as likely to be harassed as any well educated woman (Gutek 1985:55).

5.4.1.4 *Employment history*

The period of employment was investigated to determine the respondents' experience and familiarity with the organisation and their colleagues. The data obtained is presented below.

TABLE 5.4 : EMPLOYMENT PERIOD OF RESPONDENTS

EMPLOYMENT PERIOD	N	%
0 - 5 years	30	28,9
6 - 10 years	47	45,2
11 - 15 years	15	14,4
16 - 20 years	12	11,5
More than 20 years	0	0
Total	104	100

N = 104

Table 5.4 reflects that 47(45,2%) of the respondents have been employed for a period of six to ten years. This is followed by the 30 (28,9%) respondents who have been employed for a period of 0 to 5 years. Fifteen (14,4%) respondents have been employed for eleven to fifteen years and only 12 (11,5%) respondents were employed for a period of sixteen to twenty years. No respondents had more than 20 years service. This can be attributed to the findings of table 5.2 which reflect that the youthfulness of the majority of the respondents 85 (81,7%) who are aged between 19 to 36 years of age, makes it impossible for them to have a long employment history. Thus, according to Gutek (1985:54) an employee with a short employment history who is not very familiar with the organisation, the work or her colleagues, is more vulnerable to harassment than employees with a longer employment history, who are more experienced with the work and sexual harassment.

5.4.1.5 Marital Status

Bond (1995:155) and Gutek (1985:55) maintain a woman's marital status is strongly related to sexual harassment. Both these authors emphasize that unmarried women (divorced, separated, never married or cohabiting) experience sexual harassment more often than married or widowed women.

The data obtained are reflected in table 5.5 below.

TABLE 5.5 : MARITAL STATUS OF RESPONDENTS

MARITAL STATUS	N	%
Married	62	59,6
Widowed	0	0
Divorced	8	7,7
Separated	2	1,9
Never married	29	27,9
Living together	3	2,9
Total	104	100

N = 104

From table 5.5 it can be concluded that the majority of the respondents 62 (59,6%) are married. This is followed by the 29 (27,9%) respondents who have never been married and 8(7,7%) respondents who are divorced. Three (2,9%) respondents are living together and 2 (1,9%) are separated. From the above mentioned findings it can be concluded that it is the married women and not the unattached women who are harassed more often in the West metropole of the SAPS.

In analysing these findings it seems that the majority of the respondents are coloured and fall into the younger age category (19 to 36 years) and hold a standard 9 to 10 education qualification. They have a higher education i.e. diploma or certificate, are married and have been employed by the SAPS for a period of 6 to 10 years.

This profile describes the average female employee in the SAPS without any outstanding characteristics.

5.4.2 Behaviour of male employees toward female employees

The behaviour of female employees was investigated in order to determine whether sexual harassment takes place in the SAPS and if so, what types of harassment are most prominent and who are the perpetrators guilty of this offence.

5.4.2.1 *Nature of the unwanted incident*

A defining characteristic of sexual harassment is that it refers to conduct that is unwelcome, not asked for and not accepted by the recipient (Lengnick-Hall 1995:842, Petrini 1992:19, Lourens 1996:91). The term sexual harassment refers to many kinds of behaviour and because what constitutes sexual harassment is a subjective judgement, the recipient of the behaviour alone decides whether the behaviour is unwanted (Fritz 1989:6).

Rademan (1990:16) maintains that sexual harassment can be either physical, verbal or non-verbal (See chapter 2). There is however, no *one* list of behaviours, gestures, words or literature that constitute sexual harassment (Herbert 1994:67). Smythe (1998:18) and Ryder (1998:28) identified eight behaviour scenarios which women consider to be unwelcome sexual advances. These scenarios are listed in table 5.6 below.

Respondents were requested to indicate the number of times they experienced any of these scenarios. These eight scenarios were used in an attempt to determine the extent to which female employees in the SAPS have experienced any of the unwanted incidents.

TABLE 5.6 : RESPONDENTS' EXPERIENCES OF DIFFERENT FORMS OF SEXUAL HARASSMENT

TYPE OF UNWANTED INCIDENT	*N	%
Unwanted letters, phone calls, materials of a sexual nature	20	8,4
Unwanted sexually suggestive looks or gestures	57	24,0
Unwanted sexual teasing, or -jokes, or -remarks or -requests	66	27,7
Unwanted deliberately touching, cornering or pinching	44	18,5
Unwanted pressure for dates	24	10,1
Unwanted pressure for sexual favours	14	5,9
Actual or attempted rape or sexual assault	7	2,9
Threat or insinuation that lack of sexual submission would affect employment advancement or other working conditions.	6	2,5
Total	238	100

N = 104

* Respondents could indicate more than one unwanted incident.

Of the one-hundred and-four respondents, 66 (27,7%) indicated that they experienced unwanted sexual teasing, -jokes, -remarks or questions as a form of harassment. Stringer (1990:61) found that this inappropriate verbal conduct of a sexual nature, accounts for well over half of all harassment complaints and clearly constitutes the most frequent and widespread sexual harassment problem. This was followed by 57 (24%) respondents who were the recipients of sexually suggestive looks or gestures and 44 (18,5%) respondents who had to endure unwanted deliberate touching, cornering or pinching. These findings are in accord with the findings of Terpstra and Cook (1985:569) who concluded that behaviours such as touching, grabbing, brushing, sexual remarks and suggestive gestures were considered by women to be the most common sexually harassing behaviour.

Twenty four (10,1%) respondents indicated that they experienced unwanted pressure for dates. Unlike the study done by Otto 1997, only 20(8,4%) of the respondents received unwanted letters, phone calls and materials of a sexual nature from the harasser. Only 14 (5,9%) of respondents experienced unwanted pressure for sexual favours. Actual or attempted rape or sexual assault was indicated by 7 (2,9%)

respondents. Threats or insinuations that a lack of sexual submission would affect employment conditions were experienced by only 6 (2,5%) respondents.

Table 5.6 clearly shows that some respondents experienced more than only one incident of sexual harassment. It is also apparent from the above table that the less serious forms of sexual harassment (for example unwanted sexually suggestive looks or gestures; unwanted sexual teasing, -jokes, -remarks/-questions; unwanted deliberate touching, cornering or pinching) as presented by Gutek (1985:43) occurred more frequently than the more serious forms of harassment (for example pressure for dates and sexual favours, actual or attempted rape/sexual assault, threat/insinuation that lack of submission would affect employment benefits). Lengnick-Hall (1995:852) maintains that it is the victims who experience severe and pervasive sexual harassment who will be more likely to use formal response alternatives (such as filing a complaint) than victims who experience less severe and pervasive harassment.

5.4.2.2 *Status of harasser*

Sexual harassment arises from the unequal power relations between men and women in the workplace (Hemming 1985:70). According to Bond (1995:157) the structure of the working relationship provides the power and opportunity for harassers to express sexual aggression. Littler-Bishop et al (1982:147) maintain that in climates that emphasize status identity through the use of titles, uniforms and gender - homogenous positions, women may feel pressurised to respond favourably to high status males. The form of sexual harassment is often immaterial because women are sometimes more distressed by persistent low level harassment, for example leering, and consequently tend to exhibit similar symptoms as women who have experienced sexual and/or physical assault (Renick 1980:660) .

In order to determine whether there is a correlation between the status of the harasser and the type of harassment employed by him, the correlation between the status of the harasser and the form(s) of harassment employed are presented in table 5.7 below.

TABLE 5.7 :CORRELATION BETWEEN STATUS OF HARASSER AND TYPE OF HARASSMENT

PERSON TYPE OF HARASSMENT	HIGHER LEVEL SUPERVISOR		IMMEDIATE SUPERVISOR		CO-WORKER		OTHER EMPLOYEE		SUB- ORDINATE		CLIENT/MEMBER OF PUBLIC	
	N	%	N	%	N	%	N	%	N	%	N	%
Letters, phone calls materials of a sexual nature	5	4,8	1	0,96	8	7,7	5	4,8	3	2,9	2	1,9
Sexually suggestive looks or gestures	13	12,5	7	6,7	30	28,9	8	7,7	0	0	5	4,8
Sexual teasing, -jokes, -remarks or gestures	8	7,7	8	7,7	39	37,5	8	7,7	3	2,9	4	3,8
Deliberate touching, pinching or cornering	10	9,6	6	5,8	24	23	7	6,7	3	2,9	1	0,96
Pressure for dates	2	1,9	1	0,96	12	11,5	5	4,8	1	0,96	1	0,96
Pressures for sexual favours	3	2,9	3	2,9	7	6,7	2	1,9	0	0	0	0
Actual/ Attempted rape or assault	0	0	1	0,96	5	4,8	1	0,96	0	0	0	0
Threat or insinuation that lack of sexual submission would affect employment conditions	3	2,9	2	1,9	1	0,96	0	0	0	0	0	0
TOTAL	44	42,3	29	27,9	126	121,2	36	34,6	10	9,7	13	12,4

N = 104

From the above table it is clear that the co-workers are the group of employees who were mainly responsible for the various types of harassment. Sexual teasing, -jokes, -remarks or gestures were the most common type of sexual harassment displayed by 39 (37,5%) of the respondents' co-workers. Sexually suggestive looks or gestures were exhibited by 30 (28,9%) co-workers. This was followed by the 24 (23%) co-workers who deliberately touched, pinched or cornered respondents and 12 (11,5%) co-workers who pressurised respondents for dates. From these findings, it can thus be concluded that it is the co-workers who are responsible for creating a hostile environment in the workplace. These findings are in accord with the findings of Baroni (1992:21) who found that more women are being harassed by co-workers than by supervisors. Tagri, Burt and Johnson (1982:39) describe these co-workers as those workers higher in the organisational power (than the victim) who by banding together can present a powerful front to the victim.

In table 5.7 respondents indicated that co-workers also committed some of the more serious forms of sexual harassment. Seven (6,7%) of the co-workers exerted pressure on respondents for sexual favours and five (4,8%) of them attempted (to) rape/assault or actually raped or sexually assaulted a respondent.

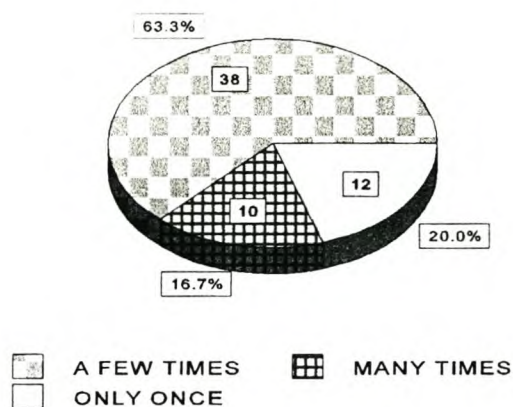
Three higher level supervisors (2,9%) followed by two immediate supervisors (1,9%) seem to be the perpetrators responsible for the more covert and degrading forms of sexual harassment. These supervisors threatened or insinuated that a lack of sexual submission would affect employment conditions of respondents.

The above mentioned findings indicate that people with status and power or perceived status and power are in a position to make certain promises and/or threats to those with less power and status. According to Stringer et al (1992:92) women are far more often the victims of harassment as they usually have less power and choice in organisations than men do. Co-workers who do not necessarily have the power to promise or threaten can however make the work environment unbearable for female colleagues. Prekel (1989:29) explains that even if the harasser has no direct power over the woman, she may fear that rejection could strain work relations or that the male colleague may withhold support or information she might need to be effective in her job.

5.4.2.3 Frequency of unwanted incidents

Faley (1982:583) and Dancaster (1991:19) state that employment-related sexual harassment of women is a common and pervasive problem in organisations. Respondents were requested to indicate how frequently they experienced any of the forms of harassment presented in tables 5.6 and 5.7 in order to (i) determine how frequently the harassment occurred and (ii) if the findings of the above mentioned authors are relevant to the situation in the South African Police Service.

These findings are reflected in figure 5.1 below.



N = 60

FIGURE 5.1 : FREQUENCY OF UNWANTED INCIDENTS

From the above figure it is clear that out of the 104 respondents who completed the questionnaire 60 (57,7%) respondents experienced one or more of the various forms of sexual harassment presented in tables 5.6 and 5.7. It can further be concluded that 38 (63,3%) of these sixty respondents experienced sexual harassment a few times. Twelve (20%) of the respondents experienced sexual harassment only once and 10 (16,7%) respondents indicated that they were harassed many times. As more than half of the respondents indicated that they experienced sexual harassment a few times, it can be concluded that sexual harassment is a frequent occurrence at their respective police stations.

5.4.2.4 Share of harassees in the unwanted incident

Webb (1991:65) states that victims of harassment tend to blame themselves for causing the harassment. They often try to change their physical appearance and behaviour but soon find out that looks or behaviour has very little to do with it as the harassment continues.

In order to determine whether the sixty respondents who were sexually harassed felt in any way to blame for the incident, respondents were requested to indicate the degree of their responsibility and had to motivate their answer. These findings are reflected in table 5.8 below.

TABLE 5.8 : ASSIGNMENT OF RESPONSIBILITY/BLAME FOR INCIDENT OF SEXUAL HARASSMENT

GRADE OF RESPONSIBILITY	N	%
Very responsible	9	15
Somewhat responsible	7	11,7
Just a little responsible	8	13,3
Not at all responsible	36	60
TOTAL	60	100

N = 60

From the above table it can be concluded that of the sixty respondents, who indicated that they have experienced sexual harassment at their stations, 36 (60%) indicated that they were not at all responsible for the harassing incident. The motivation given by the respondents for not being responsible for the harassing incident, is that they did not ask for or encouraged the attention of the harasser. Gutek (1985:73) states that while the majority of women do not blame themselves for their experience, they still feel it is their responsibility to handle the problem themselves and they may feel they have failed to control the situation properly. According to Louw (1991:34) it is the employer and not the employee who is to blame for the occurrence of the sexually harassing incident as they should ensure that measures are put in place to provide employees with an environment free of harassment.

Nine (15%) respondents felt very responsible for the occurrence of the sexually harassing incident, eight (13,3%) respondents indicated that they felt only a little responsible for the occurrence of the incident and seven (11,7%) respondents felt somewhat responsible for the incident. Respondents who indicated that they felt responsible for the harassment, indicated that their friendliness and trusting manner towards colleagues (especially males) resulted in the harassment. According to Prekel (1993:3) many harassees are inclined to excessive guilt and self-blaming and may even believe that they unwittingly did or said something to invite the unwanted behaviour. Thus, if they are ashamed or afraid and do not discuss the problem with somebody, they will not realise that it is a common occurrence and not their fault.

Another contributing factor (for feeling responsible) seems to be feelings of guilt experienced by respondents because they allowed the harassing incident to continue as they were uncertain of how to handle the incident and/or did not want to hurt the harasser. Crull (1982:542) states that a reason for women feeling that they are to blame for sexual advances made towards them, is the belief in society that women are responsible for controlling males' sexual behaviour as well as their own. Riger (1991:503) emphasizes that it is the women with traditional sex role beliefs who are more likely to blame themselves for being harassed.

From the above data and tables it can be concluded that the Western Metropole area of the SAPS is no different from other organisations in that sexual harassment does occur in the workplace as 60 (57,7%) out of 104 respondents indicated that they are affected by it.

5.4.3 The person responsible for the sexual harassment incident

Marital status, position in the hierarchy of the organisation and age do not exclude any male employee from being a harasser (Prekel 1993:4). This author further emphasizes that the person who cannot accept rejection or sees the unwilling colleague as a challenge, easily become a harasser. The researcher aimed to obtain data about the perpetrator involved in the only or most severe incident experienced by respondents. Respondents were requested to answer various questions about the characteristics of the alleged harasser as well as their relationship, to the best of their knowledge. The following information concerning the harasser was obtained from respondents.

5.4.3.1 *Working relationship with alleged harasser*

Respondents were requested to indicate how long they have been working with the harasser before the harassment occurred in order to determine what type of harasser the perpetrator is.

TABLE 5.9 : DURATION OF WORKING RELATIONSHIP

DURATION	N	%
Less than 1 month	1	1,7
1 to 3 months	6	10
4 to 6 months	9	15
More than 6 months	44	73,3
TOTAL	60	100

N = 60

From table 5.9 it seems that 44 (73,3%) respondents indicated that it is the male with whom they had a longer relationship (more than 6 months) who initiated the sexually harassing behaviour. According to Otto (1997:75) the harasser manages to build a relationship of trust with the victim over a short period of time by inviting her confidence but also offering his own and disguising himself as nurturer and caretaker to gain access to women. Without genuine mutual agreement the relationship can become more personal and victims might find it difficult to extricate themselves.

Nine(15%) respondents indicated that they had a working relationship of four to six months with the alleged harasser. Six (10%) respondents had a working relationship with the harasser for a period of one to three months and only 1(1,7%) respondent had a working relationship with the harasser of less than one month.

5.4.3.2 *Working relationship with harasser after the incident*

Kirsta (1988:161) maintains that many women who were sexually harassed find their work environment unbearably menacing after the incident. Until 28 May 1998 employees in the SAPS had no formal means of complaint regarding sexual harassment, thus they were forced to handle sexually harassing incidents informally. The nature of the respondents' relationship with the harasser after the incident took

place was investigated in this part of the study. This question was formulated in the light of a finding made by Herbert (1994:103) that confronting and challenging the perpetrator informally, is the best option for the harassee, as the incident remains private, less embarrassing and the likelihood of re-establishing a working relationship with the harasser is higher when the harassee and the harasser are the only two people who know about the harassment.

Respondents had to indicate whether the quality of their relationship improved, remained the same, got worse or whether they were uncertain of their relationship quality. Respondents were also requested to motivate their answer.

These findings are reflected in table 5.10 below.

TABLE 5.10 : QUALITY OF THE WORKING RELATIONSHIP

QUALITY OF WORKING RELATIONSHIP	N	%
Better	10	16,7
The same	14	23,3
Worse	17	28,3
Uncertain	19	31,7
TOTAL	60	100

N = 60

From the above table 19 (31,7%) of the respondents seem to be uncertain about the quality of their working relationship with the harasser since the incident. They ascribed their uncertainty to the fact that their harassers apparently pretend that the incident(s) never happened, thus confusing them and making it difficult for them to establish any kind of working relationship. According to Herbert(1994:103) many harassers are unaware of how intrusive or patronizing their behaviour can be, thus it is important for the harassee to point out to the harasser the inappropriateness of this behaviour in order to stop the harassment from continuing.

Seventeen (28,3%) respondents indicated that their relationship with the harasser became worse after the incident. Respondents motivated that their working relationships deteriorated because they employed assertive coping strategies (for example physical attacks) or formal actions (for example filing of a grievance). The

physical and emotional trauma resulting from reporting the incident(s) seem to have resulted in inter-and intra personal conflict between the harasser and harassee as well as colleagues. Herbert (1994:102) emphasizes that working with the harasser after the incident is particularly difficult when there is a need to retain a professional relationship with him.

Fourteen (23,3%) respondents reported that their working relationship with the harasser remained the same after the incident. Respondents ascribed this to the fact that they chose to ignore the incident and the harasser, continuing with the relationship as if nothing had happened. Thacker (1992:52) maintains that victims who react passively to sexual harassment inadvertently convey the message that the behaviour is acceptable, thus the harassment continues.

Only ten (16,7%) respondents indicated that their relationship with the harasser improved after the incident. This was motivated by respondents' assertive handling of the incident. Ryder (1997:23) indicates that if women have sufficient self-esteem and confidence they will find it easy to assert themselves when treated in a manner with which they are not happy.

5.4.3.3 *Behaviour of alleged harasser towards other women*

Kadali and Flood (1996:22) maintain that usually there is a pattern of harassment as the harasser generally harasses a number of women either sequentially or simultaneously. Respondents were requested to indicate whether the harasser has to their knowledge also harassed other female colleagues.

Thirty-three (55%) respondents indicated that they have witnessed or have become aware of other women at work (especially new employees entering the SAPS) who have been harassed by the same perpetrators. It can thus be concluded that harassers do not restrict themselves to just one woman.

Twenty-three (38,3%) respondents indicated that they were uncertain about the behaviour of the harasser towards other female colleagues. The uncertainty was ascribed by respondent to the fact that they never discussed the incident with colleagues as they feared ridicule and being blamed. These findings are in accordance with the statements made by Prekel (1993:3) who emphasized that victims who are afraid of discussing the harassment often do not realise that it is a fairly common

occurrence and not their fault. Only twenty-three (6,7%) respondents stated that the harasser, to their knowledge, has not behaved toward other women at work in a similar manner.

5.4.3.4 *Race of Harasser*

According to Tagri, et al (1982:44) most victims of harassment are harassed by a person of the same ethnicity as themselves. This question was included in order to determine if this statement is applicable to the SAPS. Respondents had to indicate whether the harasser was of the same or a different ethnic group than themselves. The findings of the survey are presented in figure 5.2.

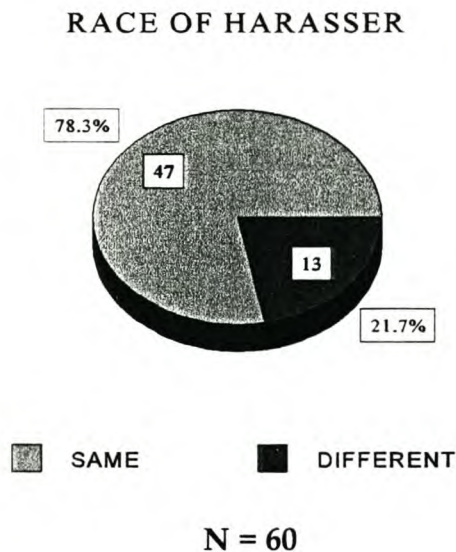


FIGURE 5.2 : NATURE OF ETHNICITY OF HARASSER AND HARASSEE

The majority of respondents 47 (78,3%) indicated that their alleged harasser are of the same ethnic group. Only 13 (21,7%) of the respondents indicated that the harasser was from a different ethnic group. It can thus be concluded that these findings are in accordance with that of Tagri et al (1982:44) who maintained that most victims of harassment are harassed by a person of the same ethnicity.

Respondents were also requested to indicate to which ethnic group the harasser belonged if they differed in ethnicity. Respondents thus indicated that of the 13 (21,7%) harassers who were from a different ethnic group, 7 (11,7%) were white, 3 (5,0%) were coloured, 2 (3,3%) were black and 1 (1,7%) was Indian. These findings do however not acquit white, black or Indian males from sexual harassment.

From the above findings it can thus be concluded that as the majority of respondents including the employees in the West Metropole are coloured, the majority of harassers are coloured males followed by males of white, black and Indian ethnic groups.

5.4.3.5 Age of the harasser

According to Prekel (1993:4) age does not exclude employees from being harassers. Respondents were requested to indicate to the best of their knowledge, how old their harasser was. These findings are presented in table 5.11 below.

TABLE 5.11 : AGE OF HARASSER

AGE CATEGORY	N	%
19 - 24 years	1	1,7
25 - 30 years	13	21,7
31 - 36 years	18	30,0
37 -42 years	14	23,3
43 - 48 years	11	18,3
49 - 54 years	2	3,3
55 and older	1	1,7
TOTAL	60	100

N = 60

From table 5.11 it appears that 18 (30%) respondents perceived their harassers to be in the age category of 31 to 36 years. This category is followed by 14 (23,3%) respondents who fall in the age category of 37 to 42 years. Thirteen (21,7%) respondents are aged between 25 to 30 years and 11 (18,3%) respondents fall in the age group 43 to 48 years.

It can thus be concluded that the average harasser in the SAPS would be aged between 25 to 48 years. In comparing the age of the harasser with the age of the respondents (table 5.1) it can be concluded that the statements made by Baroni (1992:21) and Tagri et al (1982:44) that most women's harassers are older than themselves, is applicable in this instance as the age of the average harasser in the

SAPS is described by the respondents as between 25 to 48 years whilst respondents in contrast are aged between 19 to 36 years.

5.4.3.6 *Marital status of harasser*

Bond (1995:56) maintains that victims in general describe their harassers as likely to be married. Respondents were requested to indicate the marital status of their harasser to the best of their knowledge. These findings are reflected in table 5.12 below.

TABLE 5.12 : MARITAL STATUS OF HARASSER

MARITAL STATUS	N	%
Married	50	83,3
Widowed	2	3,3
Divorced	3	5,0
Separated	1	1,7
Never married	2	3,3
Living together	0	0
Uncertain	2	3,3
TOTAL	60	100

N = 60

From the above table it seems that the majority of harassers 50 (83,3%) are married. This finding is once again in accordance with the US Merit Board Study which found that the typical harasser in the USA is married (Bond 1995:56). This fact refutes the myth that sexual harassment is only a crude attempt to start a relationship (Kadalie and Flood 1996:22). If this were true, it would be expected that the harasser would be single.

5.4.3.7 *Perceived attractiveness*

Sexual harassers come in all shapes and sizes, old, young, short, fat, bald, black, white, blonde, married, single, divorced and separated (Herbert 1994:102). Harassment is an expression of attraction which the perpetrator presumably expects

or would like to have reciprocated (Tagri et al 1982:47). Respondents were requested to indicate how attractive the harasser is perceived to be by women in general in the workplace.

TABLE 5.13 : PERCEIVED ATTRACTIVENESS OF HARASSER

PERCEIVED ATTRACTIVENESS	N	%
Very attractive (above average)	3	5,0
Attractive (average)	25	41,7
Unattractive	8	13,3
Uncertain	24	40
Total	60	100

N = 60

Table 5.13 reflects that 25 (41,7%) respondents perceived the majority of harassers to be of average attractiveness. This is closely followed by 24 (40%) of the respondents who were uncertain. Only 8 (13,3%) of the respondents described the harasser as unattractive and 3 (5%) of the respondents described the harasser as very attractive. The above mentioned findings do not necessarily reflect the perception of the harassee but rather the perception of her colleagues in the workplace.

5.4.4 Reactions to the sexual harassment incident

Prekel and Wilkinson (1992:33) maintain that women who are being harassed, usually do not know how to react. If they complain, they may be accused of having led their perpetrator on or their colleagues may not believe them. Information was solicited from the respondents about their reaction(s) to the sexual harassment incident in order to determine how the respondents dealt with the incident.

5.4.4.1 Experience of the unwelcome incident

For most women, having their intimate concerns paraded in public is an intimidating prospect (Broomberg 1993:16). Victims may respond to a sexual harassing incident either directly or indirectly. A direct response may include confronting the harasser

or filing a formal complaint. An indirect response may include evading, avoiding or ignoring the harasser (Lengnick-Hall 1995:857).

There are some women who, when faced with a crisis, instead of turning away, will confront the crisis as a challenge to be met en route to full recovery (Kirsta 1988:163). Some women however, fear they are committing professional suicide if they do not co-operate with the harasser but find it difficult to refuse the sexual attention of the powerful harasser (Prekel and Wilkinson 1992:33).

Respondents were requested to indicate what kind of coping strategies they employed when they were harassed. Respondents could indicate more than one reaction as listed in table 5.14. Thus, the total number of reactions in the table below is much larger than the number of respondents i.e. 60.

TABLE 5.14 : REACTIONS TO THE UNWELCOME INCIDENT

REACTIONS OF HARASSEE	* N	%
PERSONAL REACTIONS		
Ignore it/did nothing	20	11,4
Avoided the man	26	14,9
Made a joke of the behaviour	15	8,6
Felt flattered/complimented	1	0,6
Went along with behaviour, and viewed it as a chance for job enhancement/socialisation	0	0
Went along with the behaviour for fear of retaliation/played along for the sake of peace	8	4,6
Changed behaviour and image	9	5,1
PHYSICAL AND ASSERTIVE BEHAVIOUR		
Verbally attacked the person, threatened, embarrassed, ridiculed, cursed, screamed at him	11	6,3
Slapped, hit, kicked, shoved him away, removed his hand, physically resisted/retaliated	12	6,9
Asked the harasser to stop	23	13,1
Wrote a note, lied/deceived to put him off	1	0,6
Reported the behaviour to the supervisor/manager	8	4,6
Threatened to tell or told other workers	6	3,4
Discussed it with people outside work (friends/family)	17	9,7
BEHAVIOUR WITHIN WORK SETTING		
Took days off from work	6	3,4
Asked for a transfer	3	1,7
Left the job/quit	0	0
FORMAL ACTION		
Reported it to the union	0	0
Requested an investigation by the company	3	1,7
Filed a grievance	5	2,9
Requested an investigation by an outside agency	1	0,6
Took legal action/went to court	0	0
Total	175	100

N = 60

* Respondents could indicate more than one coping strategy.

From the above table, the following conclusions can be made with regard to the reactions of harassees to the unwelcome incident.

(i) Personal reactions

Respondents indicated that they favoured these coping strategies.

The coping strategy most frequently employed by the respondents 26 (14,9%) was avoidance of the harasser. Twenty (11,4%) respondents coped by ignoring the harasser and/or the harassing incident. Another coping strategy exhibited by 15 (8,6%) respondents was to joke about the behaviour. This was the fifth most frequent coping strategy employed overall.

(ii) Physical and assertive behaviour

This was the category with the second most frequent coping strategies exhibited by respondents.

Twenty three (13,1%) respondents asked the harasser to stop whilst 17 (9,7%) respondents indicated that they tried to cope by discussing the incident with friends and family outside the workplace.

It can thus be concluded that even though the most frequent coping strategies used by the respondents reflect indirect, non threatening and unassertive behaviour, assertive behaviour was employed to a lesser degree. According to Tagri et al (1982:4) indirect and non-threatening responses can be an indication of the harassees' feelings of powerlessness or may reflect the hope (of respondents) that the problem will eventually disappear if ignored long enough. It could also indicate that the harassing behaviour is not a problem to the harassee.

(iii) Behaviour within the work setting/environment

Respondents indicated that they experienced their work environment as hostile and unbearable. Six (3,4%) respondents indicated that this resulted in their taking days off from work or asking for a transfer 3(1,7%). This could indicate that even though these coping strategies are in the minority, the situation was severe enough that respondents wanted to break proximity with the harasser

and the environment. Gutek (1985:53) indicates that, despite the low reports of problems, women have taken drastic measures to avoid the harasser.

(iv) Formal actions

From table 5.14 it can be concluded that the reactions of respondents varied. Formal actions seem to be one of the strategies used less frequently by respondents. According to Gutek (1985:74) managers can easily conclude that sexual harassment is virtually non-existent on the basis of the few formal complaints made by harassees. Fritz (1989:6) however, emphasizes that the actual rate of sexual harassment is generally far higher than the number of formal complaints would suggest.

One of the reasons for the low usage of formal complaint(s) could be that 24 (40%) respondents felt responsible for the harassing incident (See table 5.8). Other respondents indicated that they did not have a lot of faith in the formal complaints channels of the SAPS. They are also aware that confidentiality cannot be maintained and that formal actions involve complex procedures which can be time consuming. Most respondents indicated that they believe that they should be able to handle any given situation. These findings are in accord with the findings of Gutek (1985:74) where respondents indicated that they felt that it is their own responsibility to handle the matter. They also indicated a fear of reprisal, ridicule and blame by colleagues and/or superiors. Faley (1982:596) emphasizes that the absence of complaints does not necessarily mean that an organisation has nothing to worry about. He maintains that it may only mean that employees who are sexually harassed do not know how to raise a complaint or they fear retaliation.

5.4.4.2 *Handling of the unwanted incident*

Thacker (1992:52) maintains that anecdotal evidence suggests that many sexual harassment victims are reluctant to file complaints as they were afraid that their work environments may become unpleasant, that they would suffer retaliation, that they would not be believed or that they themselves will be blamed. Kirsta (1988:162) emphasizes that although few women complain and chose to put up with the harassment, very few are unaware of the insidious effects of sexual harassment.

The researcher tried to determine what the reasons were (if any) for respondents not reporting the harassing behaviour. The respondents could indicate more than one reaction.

TABLE 5.15 : REASONS FOR NON-REPORTING OF SEXUAL HARASSMENT

REASON	* N	%
IGNORANCE		
Did you know what action to take	7	4,8
Did not know who to talk to	8	5,4
Did not think it was serious	9	6,1
Thought it was my own fault/should have prevented it	7	4,8
Saw no real need to report it	23	15,6
No internal complaint procedure existed	1	0,7
PERSONAL OPINIONS		
Did not want to make a fuss	36	24,5
Did not want to look stupid	4	2,7
Would take too much time and effort	3	2,0
PERSONAL FEARS AND FEELINGS		
Did not think anything would be done	11	7,5
Was afraid of the consequences	12	8,2
Was afraid to be victimised	3	2,0
Did not want to hurt the man	8	5,4
Was embarrassed	11	7,5
Other : Did not think anybody believed me	4	2,7
Total	147	100

N = 60

* Respondents could indicate more than one reason.

From table 5.15 it can be concluded that the majority of respondents did not report the sexual harassment incident, firstly because of ignorance, secondly because of personal fears and feelings and lastly because of personal opinions.

From table 5.15 it can thus be concluded that respondents did not report the harassment mainly for the following reasons :

Thirty-six (24,5%) respondents preferred not to report the incidents because they did not want to make a fuss. Twenty-three (15,6%) respondents indicated that they saw no real need to report it. Twelve (8,2%) respondents also indicated that they were afraid of the consequences. Other reasons indicated respectively by eleven (7,5%) of the respondents are that they thought that nothing would be done about it and feared embarrassment. These findings are in accordance with the findings of Tagri et al (1982:48) who found that female victims generally do not see any need to report the behaviour because they did not think anything would be done, or they feared it would be held against them or because they did not know what action to take.

5.4.4.3 Support Systems

Employees who claim that they have been sexually harassed, need to be supported and offered help and information on how to handle the alleged harasser (Herbert 1994:68).

Respondents were requested to indicate who the person was in whom they confided. More than one person could be indicated.

TABLE 5.16 : INDIVIDUAL(S) WITH WHOM SEXUAL HARASSMENT INCIDENT(S) WERE DISCUSSED

INDIVIDUAL/PERSON	* N	%
Friend(s)	22	32,4
Parents	6	8,8
Colleague(s)	17	25
Supervisor/Manager	12	17,7
Trade union representative	0	0
Counsellor/therapist	2	2,9
Doctor	0	0
Other : husband	9	13,2
Total	68	100

N = 60

* Respondents could indicate more than one person.

From table 5.16 it can be concluded that 22 (32,2%) respondents preferred to tell their friends about the incident. This was followed by 17 (25%) respondents who spoke to colleagues and 12 (17,7%) respondents who spoke to supervisors/managers and 9 (13,2%) respondents who discussed the incident with their husbands.

From the above table it is evident that respondents preferred not to make use of the more formal systems, such as the trade union representative. It could be interpreted that the function of this system with regard to their role in sexual harassment issues is still unknown to respondents, that they do not have confidence in the results that the system could yield or that they are afraid of the consequences should they make use of the union representative.

5.4.4.4 *Consequences of handling the incident*

According to Terpstra and Cook (1985:571) the outcomes or consequences of sexual harassment may have more of an influence upon the filing of formal sexual harassment charges than the behaviours themselves.

Often one of the problems with handling the harassing incident(s) is that the behaviour may have been going on for some time, even years, making it difficult for the harassee to take a stand. Herbert (1994:103) maintains that one of the ways the harassee can deal with the harassment, is to ask a friend to help them deal with the harassment informally or to speak to a sexual harassment advisor in the organisation. This course of action has the advantage that someone else is aware of the harassment and can act as a witness if the harassee should lay a formal complaint.

Respondents were requested to indicate how talking to somebody (about the sexually harassing experience) affected the situation. Respondents were also asked to motivate their responses. These findings are reflected in table 5.17.

TABLE 5.17 : EFFECTS OF CONFIDING IN SOMEBODY

CONSEQUENCE	N	%
Improved the situation	23	38,3
Made the situation worse	18	30
Made no difference	19	31,7
Total	60	100

N = 60

From the above table it would appear that 23 (38,3%) respondents felt that confiding in somebody actually improved the situation. Respondents motivated this by stating they actually felt better after confiding in a friend and stopped feeling guilty. Prekel (1993:3) ascribes the feelings of guilt and self-blaming to the fact that harassees never discussed the sexually harassing incident with a friend. Some respondents learned about alternative strategies for handling the harasser and thus felt more in control of the situation. Respondents also indicated that the fact that the harasser was reprimanded by a senior officer in the SAPS, put a stop to the harassing behaviour.

Nineteen (31,7%) respondents actually felt that speaking to friends made no difference as the problem at work was not addressed but stayed the same. It would seem that even though friends could give emotional support, they could not give practical advice on how to handle the harasser. Respondents indicated that colleagues on the other hand, seemed to be afraid to get involved.

Eighteen (30%) respondents indicated that their situation became worse as supervisors and colleagues did not believe them. Respondents also indicated that the harassing incident also became public knowledge and this resulted in further humiliation and conflict. They reported that the atmosphere at work became very tense and colleagues started to blame respondents for the incident. Broomberg (1993:15) indicates that this lack of support and empathy from family, friends and colleagues and retaliation when changes are filed, are personal costs victims suffer as a result of harassment.

5.4.4.5 *Managements' response to action taken by respondent*

Managers have the task of ensuring that incidents which are brought to their attention are dealt with fairly, efficiently, effectively and immediately. Failure to fulfil these tasks, reflect negatively on the managers concerned as well as possibly breaching employer responsibilities (Herbert 1994:89).

TABLE 5.18 : RESPONSE OF STAFF AT MANAGEMENT LEVEL

RESPONSE	N	%
Found my charge to be true	4	33,3
Found my charge to be false	1	8,3
Corrected the damaged done to me	0	0
Took action against the person who bothered me	2	16,7
Was hostile or took action against me	1	8,3
Did nothing	4	33,3
The action is still being processed	0	0
Don't know whether management did anything	0	0
Total	12	100

N = 12

From the above table it can be concluded that only twelve (12) respondents reported the incident to management. This could be an indication that respondents preferred to deal with the problem informally (Gutek 1985:74). Four (33,3%) respondents indicated that management found their charge to be true and that only two (16,7%) managers took action against the harasser. This could be an indication that management either did not give the respondents the guidance they needed or that the respondents chose not to lay a formal charge against the harasser but preferred that management give the perpetrators a warning only.

Four (33,3%) more respondents stated that management did nothing about the incident. One (8,3%) respondent indicated that she experienced hostility from management and that action was taken against her, whilst the charge laid by one other (8,3%) respondent was found to be false. These findings prove the statement made by Prekel (1993:3) that management may take the word of a senior person rather than that of the subordinate as they are likely to have known the senior longer and a manager usually has more credibility in a dispute than a subordinate.

5.4.4.6 *Consequences experienced by respondents following notification of the sexual harassment incident to management*

In response to the question whether respondents experienced any negative consequences if they reported the incident(s) to managers, 5 of the 12 (41,7%) respondents who reported the incident, indicated that they have experienced negative consequences. The consequences experienced by respondents varied and included the following : non-co-operation from colleagues (males and females), poor job evaluation, transfer to less satisfactory work, offensive working conditions, missed salary increments and promotion opportunities. These findings are in contrast to the observation made by Herbert (1994:89) that even if a complaint is eventually found to be groundless, no victimization of the complainant should occur if the complaint was submitted in good faith.

Seven (58,3%) respondents however indicated that they experienced no negative consequences/retaliation afterwards.

5.4.5 Effects of sexual experiences on women and the workplace

Women's feelings about their sexual harassment experiences are a significant part of its social impact. Like women who are raped, sexually harassed women may feel ashamed, embarrassed, humiliated, degraded and cheap as well as angry (Renick 1980:660). The effects of sexual harassment on victims, differ depending on the nature of the offence, the psychological make up of the victim and the nature of the response to victimization (Singer 1995:2151).

Respondents were requested to indicate how the sexual experience affected them as employees' as well as personally. The aim was to determine what the respondents' emotional, physical and psychological reactions were to the harassing incident as well as the impact it had on the workplace.

5.4.5.1 *Emotional responses experienced by respondents*

According to Prekel (1993:6) women who have never experienced sexual harassment personally, do not understand the personal distress and terror sexual harassment can cause. Thus, these women have difficulty empathizing with harassees. This author further states that most harassees experience sexual harassment as an insult, which undermines their self-confidence and thus also their personal effectiveness.

TABLE 5.19 : DISTRIBUTION OF EMOTIONAL RESPONSES

EMOTIONAL RESPONSE	* N	%
Anger	8	7,2
Fear	13	11,7
Intimidated	11	9,9
Guilt	11	9,9
Embarrassment	24	21,6
Flattered	0	0
Nervousness	6	5,4
Felt insulted	9	8,1
Friendliness	1	0,9
Disgust	22	19,8
Pleasure	0	0
No effect	5	4,5
Other : Ashamed	1	0,9
Total	111	100

N = 60

* Respondents could indicate more than one emotional response.

From table 5.19 it would seem that 24 (21,6%) respondents experienced embarrassment. This was the response most frequently experienced by most of the respondents. This was followed by 22 (19,8%) respondents who were disgusted and 13 (11,7%) respondents who experienced fear, eleven (9,9%) respondents felt intimidated and another eleven (9,9%) respondents felt guilty. According to Prekel (1993:3) women who are embarrassed, ashamed or afraid or inclined to excessive guilt or self-blame, often do not discuss the harassment experience with others and thus do not realise that it is not their fault. These emotions inhibited women from directly expressing their anger (Livingston 1982:16). Judging from the responses it is obvious that respondents neither want such attention nor are they flattered by it.

5.4.5.2 Psychological and physical reactions

Sexual harassment is far from being a trivial issue, as people subjected to this form of abuse experience a wide range of physical and psychological ailments (Herbert 1994:70). These ailments are described in table 5.20. Rubenstein (1992:14) emphasizes that sexual harassment by a colleague can have physical and psychological consequences that are as damaging as those from harassment by a superior. Respondents were requested to indicate the psychological and physical reactions they experienced after the harassing incident. These findings are reflected in table 5.20 below.

TABLE 5.20 : DISTRIBUTION OF PSYCHOLOGICAL AND PHYSICAL REACTIONS

PSYCHOLOGICAL AND PHYSICAL REACTIONS	* N	%
Tension, irritation, depression	19	27,5
Fear and anxiety	5	7,2
Migraine	4	5,8
Increased alcohol, cigarette and /or drug abuse	4	5,8
Sleeplessness and tiredness	2	2,9
Problems with weight and diet	2	2,9
Sense of powerlessness/helplessness/vulnerability	11	15,9
Difficulties with family and personal relationships	3	4,4
Physical and mental illness	3	4,4
No effect	15	21,7
Other : Nightmares	1	1,5
Total	69	100

N = 60

* Respondents could indicate more than one reaction.

From the above table it seems that tension, irritation and depression were the reactions most frequently experienced by 19 (27,5%) of the respondents. This was followed by the 15 (21,7%) respondents who had no physical or psychological effects. Feelings of powerlessness, and vulnerability were also experienced by 11 (15,9%) respondents.

It can be concluded that those respondents who indicated no psychological or physical effects in all probability acted more assertively than others. These respondents could also be those who refused to allow the harasser to intimidate them. Kadalie and Flood (1996:23) maintain that the popular myths that sexual harassment is trivial and harmless and that people who object are overly sensitive or have no sense of humour, is hereby refuted.

5.4.5.3 *Effects of sexual harassment on the work situation*

Sexual harassment can produce psychological stress as a result of unexpressed anger, combined with decreased feelings of confidence and competence (Livingston 1982:17). The harassee is thus preoccupied with thoughts other than work and are unlikely to deliver quality work. According to Prekel (1993:5) colleagues who are not directly involved in the harassing situation are likely to be demotivated if they are aware of unacceptable behaviour. Herbert (1994:44) maintains that generally in the workplace in which sexual harassment occurs, people are not performing to capacity and are distracted and made anxious by potential incidents. Another aspect that was investigated in this study was how sexual harassment impacts on the workplace specifically with regards to productivity and morale of respondents.

TABLE 5.21 : EFFECTS OF SEXUAL HARASSMENT ON THE WORK SITUATION

EFFECT ON WORKPLACE	* N	%
Made you less friendly	20	31,7
Made you dress differently	3	4,8
Made you avoid the man/men	3	4,8
Made you lose interest in your work	8	12,7
Spoiled your chances of promotion	0	0
Affected your job performance	1	1,6
Made you request a transfer	3	4,8
Made you feel isolated from other employees	3	4,8
Made it difficult to concentrate	6	9,5
Affected the way you relate to other people	3	4,8
Being absent more often	2	3,2
Affected your job satisfaction	1	1,6
Quitting your job	1	1,6
Being fired from your job	0	0
No effect	9	14,3
Other	0	0
Total	63	100

N = 60

* Respondents could indicate more than one effect.

From the above table it seems that 20 (31,7%) respondents indicated that the incident(s) caused them to become less friendly in the workplace. Nine (14,3%) respondents stated that the harassing behaviour had no effect on their job performance. This could be because the harassing incident had been handled assertively or because the respondents did not allow the harasser to intimidate them. It could also be an indication that the harassing situation was not experienced as severe by respondents.

Eight (12,7%) respondents indicated that the harassing behaviour made them lose interest in their work. Six (9,5%) respondents also seemed to find it difficult to concentrate after the incident had taken place.

Only 3 (4,8%) respondents indicated that the harassing behaviour resulted in their dressing differently. Another 3 (4,8%) indicated that the harassing behaviour made them avoid the harasser, made them request a transfer, made them feel isolated from fellow employees and affected the way they related to other people.

It can thus be concluded that all these reactions have a definite impact on the atmosphere as well as the productivity of all employees in the SAPS.

5.4.6 Addressing sexual harassment in the workplace

Because sexual harassment is difficult to define and is contentious, just writing policies and giving them as hand outs is not good enough. Education and training are essential to address sexual harassment in the workplace (Herbert 1994:68).

In this part of the questionnaire, the aim was to elicit information about the respondents views on how sexual harassment should be addressed as well as the knowledge and opinions of respondents about the new SAPS policy on sexual harassment.

5.4.6.1 Formal action

Of the 104 respondents, only 73 (70,2%) respondents indicated that they thought that sexual harassment is threatening enough to warrant formal action. Prekel and Wilkinson (1992:33) maintains that every organisation needs a formal anti-harassment policy. The overall motivation for formal action given by respondents, seems to be that women have been left without a recourse for too long and consequently had to endure unnecessary humiliation and stress.

Twenty-seven (26%) respondents were uncertain and four (3,8%) respondents indicated that formal action is not warranted as it should be handled informally in the workplace. A survey done by Gutek (1985:74) similarly indicated that respondents believed that it is their own responsibility to handle the matter informally.

5.4.6.2 Perception of the seriousness of sexual harassment

Sexual harassment can be difficult to deal with because different people can have different perceptions of the same behaviour. It is however, the right of the aggrieved party to label the behaviour as unwanted (Herbert 1994:67).

Respondents were requested to indicate how much of a problem they perceived sexual harassment to be. They were also requested to motivate their responses. These findings are reflected below.

TABLE 5.22 : PERCEPTION OF SEXUAL HARASSMENT

PERCEPTION	N	%
A major problem	20	19,2
A minor problem	37	35,6
No problem	47	45,2
Total	104	100

N = 104

From table 5.22 it is evident that 47 (45,2%) of respondents indicated that sexual harassment is not a problem at their stations. Some of the motivations given to substantiate this opinion are as follows: It is only individual cases that are heard of. Men apparently do not see their behaviour as sexual harassment but as harmless fun. Respondents also feel that women have learned to cope with the behaviour of men.

More than half of the respondents (54,8%) found sexual harassment to be a problem to some degree. For most respondents, the major motivation was that currently sexual harassment is allowed to continue as nobody seems to be taking it seriously in that harassers are left to go unpunished. These findings are in accordance with the findings of a joint survey done by the Red Book magazine and HBR in 1980 on the issue of how pervasive sexual harassment is in the workplace. Even though most respondents perceived sexual harassment to be a serious matter, they felt that their top management appeared to be isolated from the occurrences of harassment (Collins and Blodgett 1991:78).

5.4.6.3 Awareness of sexual harassment document of the SAPS

The most common strategy for addressing sexual harassment within organisations, has over the last decade been to develop and implement formal policies and procedures to address this phenomenon (Ryder 1998:28). The South African Police Service has finally developed and agreed upon a policy document on sexual harassment for the SAPS in order to address this problem in the workplace.

According to Bond (1995:164) research indicates that in organisations where policies for sexual harassment do exist, many employees are often unaware of them or see them as ineffective.

Respondents were requested to indicate whether they were aware that the SAPS has a policy on sexual harassment. These findings are stated below.

Out of 104 respondents, 45 (43,3%) respondents indicated that they were unaware that the SAPS now has a new policy document on sexual harassment. Twenty-one (20%) respondents indicated their uncertainty with regard to the existence of this document. Only 38 (36,5%) of the respondents seemed to be aware that this policy exists. In a survey conducted by the IPM and Institute of Directors, only 6,5% of the respondents indicated that they were aware of their company's policy.

As only 38 (36,5%) of respondents indicated an awareness of the sexual harassment policy, it can be concluded that most of the respondents are unaware of the existence of this policy document. Thus the above mentioned statement made by Bond (1995) that many employees are unaware of the organisation's policy on sexual harassment is applicable to the situation in the SAPS. Respondents were not requested to comment on the effectiveness of the policy, as the implementation of the policy is relatively new and its impact on prevention thus difficult to assess.

5.4.6.4 Familiarity with the content of the sexual harassment policy document

Research indicates that in organisations where policies for sexual harassment do exist, many employees are often not familiar with the contents of the policy document (Bond 1995:164). Table 5.23 below reflects the familiarity of employees (in the SAPS) with the contents of the existing sexual harassment policy document.

TABLE 5.23 : NATURE OF FAMILIARITY WITH CONTENTS OF SAPS POLICY DOCUMENT

NATURE OF FAMILIARITY	N	%
Reasonably familiar	24	23
Very familiar	14	13,5
Not familiar	66	63,5
Total	104	100

N = 104

From the above table it is clear that 66 (63,5%) respondents seem to be unfamiliar with the contents of the sexual harassment policy document of the SAPS. Twenty-four (23%) respondents indicated that they are reasonably familiar with the document and 14 (13,5%) respondents seem to be very familiar with the document.

5.4.6.5 *Preference for the sexual harassment policy of the SAPS*

A survey conducted by Prekel and Wilkinson (1992:33) indicated that most respondents believed that their organisations needed a formal sexual harassment policy with a recognised complaints and disciplinary action.

Even though more than half of the respondents indicated (see table 5.23) that they are unfamiliar with the policy document, 62 (59,6%) respondents indicated (see table 5.24) that they are in favour of this policy. Forty (38,5%) of the respondents indicated that they were uncertain of their preference for the policy. Two (1,9%) respondents indicated that they do not favour this policy.

TABLE 5.24 : PREFERENCE FOR SAPS SEXUAL HARASSMENT POLICY

RESPONSE	N	%
Yes	62	59,6
No	2	1,9
Uncertain	40	38,5
Total	104	100

N = 104

From the above table it can be concluded that more than half of the respondents 62 (59,6%) feel that this policy is needed in the SAPS. Several motivations have been made in this regard. Respondents feel that through the implementation of this policy, women will be protected and made to feel safer in their work environment.

Respondents also felt that women now do not have to suffer needlessly or in silence. They also felt that this policy will provide a formal means of complaints that could be used as a guideline for addressing this issue and preventing reoccurrence thereof.

From the above mentioned motivation given by respondents, it is clear that the sexual harassment policy of the SAPS is a long awaited document which respondents believe will give them, as well as management, guidance and direction in addressing this issue more successfully (Rubenstein 1991:36). Those respondents who appear to be

uncertain about their preference for the sexual harassment policy, indicated that their uncertainty is mainly caused by unfamiliarity with the contents of this policy document.

The 2 (1,9%) respondents who indicated that they did not favour this policy, seem to believe that women in the SAPS should be assertive and be able to handle any situation. Thus it can be concluded that these respondents prefer an informal approach for addressing sexual harassment. The preference of these respondents are reflected in the research findings of Gutek (1985:74) that even though women blame men for harassment, they feel that it is their own responsibility to handle the matter and want to do so without hurting the harasser.

5.5 SUMMARY

The research findings discussed in this chapter clearly indicate that sexual harassment in the West Metropole of the SAPS (Western Cape) is not a new phenomenon for female employees. It has been identified as a widespread problem which does not occur randomly. Sexual harassment is endemic in the SAPS but poorly understood and thus nobody talks about it willingly. Fewer and fewer female employees however seem to be prepared to put up with such behaviour. The newly developed SAPS policy on sexual harassment is perceived as a long awaited document. The implementation of this policy is deemed to be crucial for preventing sexual harassment from occurring and ensuring that it does not recur.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

Sexual harassment can be difficult to deal with and disruptive to the workplace. In an era of ever increasing employee rights and employer responsibilities, sexual harassment allegations are particularly hazardous.

This study was undertaken with one aim and four objectives in mind. The aim of the study was to present guidelines for the composition of a training programme for the implementation of the existing policy regarding sexual harassment in the South African Police Service(SAPS).

The first objective was to describe the nature and dimensions of the occurrence of sexual harassment in the workplace from an international and South African perspective. The second objective was to explain policy issues and the contents of a training programme to prevent and address sexual harassment in the SAPS if it should occur. A third objective was to investigate female employees' opinions and awareness of the occurrence and handling of sexual harassment in the SAPS. The last objective was to present demographic data on the prevalence, negative effects and actual experience of sexual harassment by female employees in the SAPS.

The first two objectives were attained in chapters two and four respectively. The last two objectives were attained in chapter five.

As sexual harassment is such a sensitive issue and an obviously complex phenomenon, it cannot be fully understood after such a relatively short period of empirical investigation. The researcher however, has formed certain conclusions as a result of the literature review and empirical study, and various recommendations will be made.

6.2 CONCLUSIONS

The following conclusions based on the findings of the study have been drawn.

6.2.1 Nature, occurrence and awareness of sexual harassment

The SAPS, like many other organisations, reflect the cultures from which they draw their values, their resources and their employees. Thus, despite various advances, the subculture in the SAPS remains sexist to a significant extent. Even though sexual harassment cannot be completely eliminated, it can however, be reduced in frequency, intensity and duration.

Despite the few formal complaints made by female respondents, the survey results reflect that more than half of the respondents have experienced some form of sexual harassment during their employment period. From this, the conclusion can be made that sexual harassment is widespread but not random in the West Metropole area of the SAPS (Western Cape). It seems as if a comprehensive response is needed in order to ensure that all levels of employees are able to handle this problem more effectively.

6.2.2 Demographic data on prevalence, negative effects and actual experience of sexual harassment

Based on the findings of the study, the conclusion is drawn that the women most at risk in the West Metropole tend to be married, coloured females who hold a grade 11 to 12 qualification, who are relatively young (19-36 years) and unsure about how to handle the harassing situation. This profile is not necessarily accurate because of the over representation of respondents who fit this profile.

The findings lead to the conclusion that the average harasser in the West Metropole is a repeat offender who harasses more than one female employee at a time. He tends to be a married coloured male, who is aged between 25 to 48 years. He is often not the harassees' supervisor but rather a colleague who is perceived as being of average attractiveness. As the profile of the harasser was formed from the perception of the recipients and not from the alleged harassers themselves, this data might not be a true reflection of the average harasser in the SAPS.

Avoidance was found to be the most frequently used response, with regard to the respondents' reactions to the sexually harassing incident. This was followed by

respondents asking the harasser to stop his harassing behaviour. The poor utilisation of the formal complaint channels can be ascribed to the fact that some respondents were unaware of the value of utilising this channel, that they were afraid of the consequences (of using it) or that they do not have any confidence in the results of the system.

The wide variety of reactions (to sexual harassment) which ranged from non threatening and unassertive behaviour to assertive behaviour identified by respondents, indicate that the effect of sexual harassment on female employees can be devastating. In analysing these reactions, the conclusion is drawn that the managers of the SAPS do not provide adequate emotional support to the harassees to help them deal with the reactions and to help them confront the situation despite their feelings of powerlessness.

From the survey results, it can be concluded that in the past, respondents felt compelled to deal with the harassing incidents informally as they experienced it as a personal issue. Even though respondents tried to persevere and to handle the harassment informally, it impacted negatively on their morale as well as their productivity in the workplace.

From the survey results it can also be concluded that female employees in the West Metropole of the SAPS (Western Cape) have been experiencing problems in dealing with the less serious forms of sexual harassment (for example unwanted sexually suggestive looks or gestures; unwanted sexual teasing, -jokes, -remarks/-questions; unwanted deliberate touching, cornering or pinching). The difficulty in dealing with these types of harassment seem to lie in the fact that these types of harassment have become entrenched in the daily interaction between employees in the SAPS.

6.2.3 Implementation of the sexual harassment policy and training programme

The conclusion is drawn that the implementation of the sexual harassment policy would encourage the basic interpersonal change in attitudes and behaviour necessary for women to have equal opportunities at work, in line with the spirit, rather than the letter of the law. The proper implementation and communication of the sexual harassment policy is crucial as a sexual harassment policy in itself cannot protect employees from the harassing behaviour.

Based on the literature review, the conclusion is reached that research in the field of sexual harassment, has little to offer in the way of guidance to managers and specialists in the SAPS who must deal with sexual harassment issues. Though training is a proven mechanism for promoting any organisational policy and procedures, whilst increasing awareness of managers and supervisors of their roles and obligations, training with regard to organisational policy and procedures are rarely done in the SAPS. The conclusion is drawn that an appropriate training programme can prevent sexual harassment from occurring, provide coping mechanisms to employees as well as offering a means of differentiating between sexually harassing behaviour and behaviour that is not sexual harassment.

6.3 RECOMMENDATIONS

The following recommendations are made based on the conclusions.

6.3.1 *Staff at management level*

It is recommended that at the management level in the SAPS the following should be considered:

- A complaint investigation and resolution process should be established. This process should be clearly tied to the chain of command and should utilise specialists from core staffing functions like social work services, psychological services, labour relations and legal services.
- Specific individuals or groups of individuals should be appointed to deal with allegations of sexual harassment. The complaint resolution team should be balanced by race and sex. These individuals should be unbiased and should have a sound knowledge base of sexual harassment and related issues. As sexual harassment is an extremely sensitive issue, which affects the lives and reputations of the employee as well as employer, prompt and professional handling of the situation is required. The industrial social worker in the SAPS has a vital role in this regard.

- Actual and potential harassees (victims) should be genuinely invited to complain and should feel a reasonable sense of safety in doing so. The top management in the SAPS should publicise cases of sexual harassment so that employees are aware that making a formal complaint is not a futile exercise but that it can have positive results for the harassee and employer.
- The formal complaint system should also serve to protect the alleged harasser from unfounded or frivolous complaints. Every effort should be made by the management of the SAPS to ensure procedural fairness to both the complainant and the accused.
- The sexual harassment training programme should be mandatory for all employees of the SAPS in order to ensure that those who need it most will attend. The training should differ for all levels of employees. It should not be rushed because of time or money constraints as this will defeat the purpose. It is important that the staff at top management level should show their support of the training programme if the programme is to be effective.
- Managers and supervisors should be trained to respond quickly and effectively to sexual harassment complaints of employees.
- All supervisory personnel in the SAPS should be trained, if only minimally to listen to their subordinates in order to reduce the incidents of sexual harassment. Managers at the middle management level must be made aware that some individuals and groups are more susceptible to harassment than others. Both supervisors and managers must be made aware of their responsibility to treat employees as individuals and to make work as gratifying as possible for them.
- Staff at all levels of management should be reminded that they have a responsibility to ensure that the work environment is free from sexual harassment or victimisation (of a complainant or other employee wishing to give or giving evidence) in the event of a complaint.

- The staff at top management level should indicate their concern about the seriousness of sexual harassment by clearly stating and publicizing what remedial sanctions will be implemented should an employee be in violation of the sexual harassment policy. A mere statement of policy without specific sanctions for violators are likely to be looked at by employees and the courts as an ineffective policy. The actions of the managers in the SAPS should reflect their genuine concern for the sensitivity of this issue.
- An organisational culture that promotes equal opportunities for women, and which exposes, discourages and censures sexual harassment in the workplace should be established in the SAPS. Intervention by the managers of the SAPS should have the effect of attenuating the harassment process and limiting what social support it has. Serious managers must recognise that sexual harassment is symptomatic of larger cultural and organisational problems.
- The staff at top management level should consider the development of an Employee Assistance Programme (EAP) to provide counselling and referral services to employees experiencing exceptional stress. This stress, if ignored may be expressed in harassing behaviours.

6.3.2 Professional personnel/Personnel specialists

It is recommended that the professional personnel employed by the SAPS should consider the following:

- The available channels for the assistance of victims of sexual harassment should be adequately publicised so that employees will know whom to approach when they are faced with a harassing situation. Names of contact persons should be readily available.
- Professional personnel (for example social workers) should endeavour to clarify the extent of the problem of sexual harassment and should bring the seriousness of sexual harassment to the attention of management and employees. This can be done by assisting with the implementation of the sexual harassment policy and by doing research surveys.

6.3.3 *Staff at management level and professional personnel*

It is recommended that the staff at management level in co-operation with the professional personnel of the SAPS should consider the following:

- The top management and professional personnel should endeavour to make every effort to ensure that all employees are made aware of the existence and extent of the sexual harassment policy because more than half of the respondents seem to be unfamiliar with the contents of the sexual harassment policy document of the SAPS
- A creative publicity campaign for the advertising of the sexual harassment policy should be embarked on in order to deal more effectively with sexual harassment and its consequences.
- Extremely high visibility should be given to the issue of sexual harassment as a legitimate problem, and it must acquire the status of a taboo.
- Employees in the SAPS should be made aware that no matter what their position in the organisation, there is much they can do to deal with the harassment should it occur.
- Support offices should be made available to all employees in the SAPS. The specialists (for example industrial social workers and employee assistance practitioners) should be more accessible to employees. A multi-disciplinary approach would have a higher impact in addressing the issue of sexual harassment.
- Good communication between managers and employees, should be encouraged in order to encourage internal settlements and to eliminate the need for harassees to involve outside sources to resolve their complaints.

6.3.4 Lower level employees

It is recommended that all lower level employees in the SAPS should consider the following recommendation.

- Employees in the SAPS should endeavour to familiarise themselves with the sexual harassment policy and should equip themselves with the necessary skills and knowledge in order to handle unwelcome sexual advances with confidence in the workplace.

6.3.5 Trade unions

It is recommended that the existing trade unions in the SAPS should consider the following recommendation.

- Steps should be taken by the existing trade unions in the SAPS (SAPU, POPCRU, PSA) to raise awareness of the problem of sexual harassment in the workplace in order to create a climate which is free of harassment.

6.4 FURTHER RESEARCH

It is recommended that :

- (i) An audit should be done by industrial social workers (employed by the SAPS) in their areas of service delivery in order to obtain a reliable account of how extensive the problem of sexual harassment really is in the SAPS.
- (ii) An evaluation by the social worker should be done after the anti-harassment training programme has been implemented, in order to determine the effectiveness of the prevention training programme for addressing sexual harassment in the SAPS.

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Appendix A

Social Work Services
P O Box 7
ATHLONE
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POST QUESTIONNAIRE: INVESTIGATION INTO SEXUAL HARASSMENT IN THE WORKPLACE

Dear Colleague

I am presently registered as a student for the M.A.-degree at the Department of Social Work of the University of Stellenbosch. In partial completion of this course, I am required to investigate the attitudes and opinions of SAPS employees regarding experiences of sexual harassment in the workplace. Your assistance with regards to the completion of the attached questionnaire will therefore be appreciated. This is an anonymous questionnaire and all data collected will be handled confidentially.

In the attached questionnaire, you will find a series of questions requesting information about a variety of experiences that could occur in the workplace. The aim of the questionnaire is to determine whether respondents have ever experienced such an incident(s), from whom, what your reaction was and how it affected you. The questions are focussed on the interaction between men and women only. The questions are not of a personal nature and will not be interpreted as a reflection of your behaviour.

The questionnaire will only require 20 minutes of your time. After the completion of this study, feedback will be given to all respondents via e-mail. It would be appreciated if the completed questionnaires could be sent to me on or before **15 October 1999** at the above mentioned address.

Should you need more information or would like to contact me personally, you are welcome to contact me on my beeper i.e. 0880030050 or tel (021) 6971120 or alternatively to write to me at the above mentioned address.

Your assistance and willingness to participate in this important investigation is greatly appreciated.

Rita Retief

QUESTIONNAIRE REGARDING SEXUAL HARASSMENT IN THE WORKPLACE

INSTRUCTIONS: Please answer all the questions.

This is an anonymous questionnaire.

All data collected will be handled confidentially.

1. DEMOGRAPHIC DATA

The following information is required for statistical purposes. Just place a cross (X) in the block which is relevant to you.

1.1. Ethnic group

Black	
Coloured	
Indian	
White	

1.2. Age:

19 - 24 years	
25 - 30 years	
31 - 36 years	
37 - 42 years	
43 - 48 years	
49 - 54 years	
55 and older	

1.3. Highest qualification:

Grade 7 and lower	
Grade 8 - 10	
Grade 11 - 12	
Diploma	
Certificate	
Degree	

1.4. How long have you been employed by the SAPS?

0 - 5 years	
6 - 10 years	
11 - 15 years	
16 - 20 years	
more than 20 years	

1.5. Marital status:

Married	
Widowed	
Divorced	
Separated	
Never married	
Living together	

2. BEHAVIOUR OF MALE EMPLOYEES TOWARD FEMALE EMPLOYEES

Indicate whether you have ever experienced any of the following situations in your workplace. If you have, indicate all the situations that you have experienced as well as who was responsible for it.

2.1. Nature of the unwanted incident

2.1.1. (A) Have you ever received unwanted letters, phone calls, materials of a sexual nature from a person in your workplace?

Yes	
No	
Uncertain	

(B) Who was the person?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.2. (A) Were you ever the recipient of unwanted sexually suggestive looks or gestures from a person in your workplace?

Yes	
No	
Uncertain	

(B) Which of the following people exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.3. (A) Have you ever experienced unwanted sexual teasing, - jokes, - remarks or - questions from a person in your workplace?

Yes	
No	
Uncertain	

(B) Which of the following people exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.4. (A) Have you ever experienced unwanted deliberate touching, cornering, or pinching by a person at work?

Yes	
No	
Uncertain	

(B) Which of the following people exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.5. (A) Has a person at work ever exerted unwanted pressure on you for dates?

Yes	
No	
Uncertain	

(B) Which of the following people exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.6. (A) Has a person at work ever exerted unwanted pressure on you for sexual favours?

Yes	
No	
Uncertain	

(B) Which of the following persons exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.7. (A) Have you ever experienced an actual or attempted rape or sexual assault in the workplace?

Yes	
No	
Uncertain	

(B) Which of the following persons exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.1.8. (A) Has a person at work ever threatened or insinuated that your refusal to sexually submit to him would affect your employment, advancement, or other working conditions?

Yes	
No	
Uncertain	

(B) Which of the following persons exhibited this behaviour?

higher level supervisor	
immediate supervisor	
co-worker	
other employee	
subordinate	
client/member of the public	

2.2. **Frequency of unwanted incidents**

If you have experienced any of the above mentioned situations, how frequently did this occur? {Cross (X) one alternative only.}

only once	
a few times	
many times	

2.3. **Your share in the unwanted incident**

If you have experienced any of the above situations, how responsible, in your opinion, were you for it? (Motivate your answer.)

very responsible	
somewhat responsible	
just a little responsible	
not at all responsible	

3. **THE PERSON RESPONSIBLE FOR SEXUAL HARASSMENT**

Answer the following questions if you have ever experienced sexual harassment in the workplace. Describe the only or most severe experience as well as your relationship with the perpetrator.

3.1. At the time of the incident, how long have you worked with or been familiar with the person?

less than 1 month	
1 to 3 months	
4 - 6 months	
over 6 months	

3.2. How have you been getting along with the person since the incident? (Motivate your answer.)

better	
the same	
worse	
uncertain	

3.3. To your knowledge, has this person behaved towards other women at work in a similar manner? (Motivate your answer.)

yes	
no	
uncertain	

3.4. (A) Was this person of the same ethnic group as you?

Yes	
No	

- (B) If not, to which of the following ethnic groups did this person belong?

Black	
Coloured	
Indian	
White	

- 3.5. To your knowledge, how old is this person?

19 - 24 years	
25 - 30 years	
31 - 36 years	
37 - 42 years	
43 - 48 years	
49 - 54 years	
55 and older	

- 3.6. What is his marital status?

Married	
Widowed	
Divorced	
Separated	
Never married	
Living together	
Uncertain	

- 3.7. To your knowledge how attractive do women consider him to be?
(Motivate your answer.)

very attractive (above average)	
attractive (average)	
unattractive	
uncertain	

4. **YOUR REACTION TO THE INCIDENT(S)**

The following questions deal with your reaction to the incident as well as your handling of the situation.

- 4.1. **Experience of unwelcome incident**

- 4.1.1. How did you react after experiencing the unwanted behaviour from the person? (Tick more than one if appropriate.)

COPING STRATEGIES AND PERSONAL REACTIONS	
ignored it/did nothing	
avoided the man	
made a joke of the behaviour	
felt flattered/complimented	
went along with behaviour, and viewed it as a chance for job enhancement/socialisation	
went along with the behaviour for fear of retaliation/played along for the sake of peace	
changed your behaviour and image	
PHYSICAL AND ASSERTIVE BEHAVIOUR	
verbally attacked the person, threatened, embarrassed, ridiculed, cursed, screamed at him	
slapped, hit, kicked, shoved him away, removed his hand, physically resisted/retaliated	
asked the man to stop	
wrote a note, lied/deceived to put man off	
reported the behaviour to the supervisor/manager	
threatened to tell or told other workers	
discussed it with people outside work (friends/family)	
BEHAVIOUR WITHIN WORK SETTING	
took days off from work	
asked for a transfer	
left the job/quit	

FORMAL ACTIONS	
reported it to the union	
requested an investigation by the company	
filed a grievance	
requested an investigation by an outside agency	
took legal action/went to court	

4.2. **Handling of the unwanted incident**

4.2.1. If you didn't report any of the unwanted/upsetting behaviour to anyone, why not? (Tick more than one if appropriate.)

IGNORANCE	
did not know what action to take	
did not know who to talk to	
did not think it was serious	
thought it was my own fault/should have prevented it	
saw no real need to report it	
no internal complaint procedure existed	
PERSONAL OPINIONS	
did not want to make a fuss	
did not want to look stupid	
would take too much time and effort	
PERSONAL FEARS AND FEELINGS	
did not think anything would be done	
was afraid of the consequences	
was afraid to be victimised	
did not want to hurt the man	
was embarrassed	
other (specify)	

4.2.2. If you did tell somebody, who was the person(s)?
(Tick more than one if appropriate.)

friend(s)	
parents	
colleague(s)	
supervisor/manager	
trade union representative	
counsellor/therapist	
doctor	
other (specify)	

4.3. **Consequences of handling the incident**

4.3.1. If you did talk to somebody about your experience, what was the effect there of? (Motivate your answer.)

improved the situation	
made the situation worse	
made no difference	

4.3.2. If you have reported any of the incidents, how did the management respond to the action you took? (Tick more than one if appropriate.)

found my charge to be true	
found my charge to be false	
corrected the damage done to me	
took action against the person who bothered me	
was hostile or took action against me	
did nothing	
the action is still being processed	
don't know whether management did anything	

- 4.3.3. If you reported the incident, did you experience any negative consequences/retaliation afterwards? (Motivate your answer.)

yes	
no	

- 4.3.4. If you did experience any negative consequences/retaliation, what form did it take? (Tick more than one if appropriate.)

verbal abuse	
non co-operation from male co-workers	
poor personal recommendations/references	
poor job evaluation/bonus rating	
impossible performance standards	
demotion or downgrading	
transfer to less satisfactory work	
worsening of shift pattern/hours worked	
termination of employment	
denied promotion	
unfair wages	
offensive working conditions	
other (specify)	

5. EFFECT OF SEXUAL EXPERIENCES ON WOMEN

The impact this sexual experience(s) had on you as a person, as well as an employee, is addressed in the following questions.

- 5.1. How would you describe your emotional response after this experience(s)? (Tick more than one if appropriate.)

anger	
fear	
intimidated	
guilt	
embarrassment	
flattered	
nervousness	
felt insulted	
friendliness	
disgust	
pleasure	
no effect	
other	

- 5.2. Did you experience any of the following psychological and physical reactions after the incident(s)? (Tick more than one if appropriate.)

tension, irritation, depression	
fear and anxiety	
migraine	
increased alcohol, cigarette and/or drug abuse	
sleeplessness and tiredness	
problems with weight and diet	
sense of powerlessness/helplessness/vulnerability	
coronary heart disease	
difficulties with family and personal relationships	
physical and mental illness	
no effect	
other	

- 5.3. Have any of these incident(s) affected your work situation in any of the following ways? (Tick more than one if appropriate.)

made you less friendly	
made you dress differently	
made you avoid the man/men	
made you lose interest in your work	
spoiled your chances of promotion	
affected your job performance	
made you request a transfer	
made you feel isolated from other employees	
made it difficult to concentrate	
affected the way you relate to other people	
being absent more often	
affected your job satisfaction	
quitting your job	
being fired from your job	
no effect	
other (specify)	

6. ADDRESSING SEXUAL HARASSMENTS IN THE WORKPLACE

- 6.1. Do you think that the sexual harassment of female employees (by colleagues) is threatening enough to warrant formal action? (Motivate your answer.)

yes	
no	
uncertain	

- 6.2. To what degree do you consider sexual harassment to be a problem at your station? (Motivate your answer.)

a major problem	
a minor problem	
no problem	

- 6.3. To your knowledge, does the SAPS have a policy document on sexual harassment?

yes	
no	
uncertain	

- 6.4. How familiar are you with the contents of this document?

reasonably familiar	
very familiar	
not familiar	

6.5. Do you in any way favour this policy? (Motivate your answer.)

yes	
no	
uncertain	

Your time and effort in completing this questionnaire is appreciated.

Rita Retief
(Tel: 6971120)

Maatskaplike Werkdienste
Posbus 7
ATHLONE
7764

POSVRAELYS: ONDERSOEK NA SEKSUELE TEISTERING IN DIE WERKSPEK

Geagte Kollega

Ek is tans geregistreer as 'n student vir die M.A.-graad in die Departement Maatskaplike Werk van die Universiteit van Stellenbosch. Deel van die studie behels dat ek 'n ondersoek doen om die gesindhede en opinies van werknemers in diens van die SAPD te bepaal oor insidente van seksuele teistering in die werksplek. U insette deur middel van die voltooiing van die aangehegte vraelys sal derhalwe waardeer word. Die vraelys word anoniem voltooi en alle inligting sal streng vertroulik hanteer word.

In die aangehegte vraelys sal u 'n reeks vrae vind wat verskillende tipes ervarings weergee wat u in die werksplek mag ondervind. Die doel van die vraelys is om vas te stel of die respondent al ooit 'n soortgelyke insident(e) ervaar het, deur wie; wat u reaksie daarop was en hoe dit u geaffekteer het. Die vrae fokus slegs op interaksie tussen mans en vroue. Die vrae is nie van 'n persoonlike aard nie en sal nie as 'n weergawe van u gedrag vertolk word nie.

Die vraelys behoort slegs 20 minute van u tyd in beslag te neem. Terugvoer sal aan alle respondente deur middel van e-pos verskaf word na die voltooiing van die studie. Dit sal waardeer word indien u die voltooiide vraelyste aan my sal stuur voor of op **15 Oktober 1999** by bogenoemde adres.

Indien u meer inligting verlang of my persoonlik wil kontak, is u welkom om my te skakel by 0880030050 (beepa) of tel. (021) 6971120 of aan my te skryf by die bogenoemde adres.

U insette en bereidwillige deelname aan hierdie belangrike ondersoek word hoog waardeer.

Die uwe
Rita Retief

UNIVERSITEIT VAN STELLENBOSCH
DEPARTEMENT MAATSKAPLIKE WERK
VRAELYS OOR SEKSUELE TEISTERING IN DIE WERKSPLEK

INSTRUKSIES: Beantwoord asseblief alle vrae.

Die vraelys is vertroulik en word anoniem voltooi.

1. DEMOGRAFIESE DATA

Die volgende inligting word slegs benodig vir statistiese doeleindes. Trek 'n kruis (X) in die blok wat op u van toepassing is.

1.1. Etniese groep:

Swart	<input type="checkbox"/>
Kleurling	<input type="checkbox"/>
Indiër	<input type="checkbox"/>
Blank	<input type="checkbox"/>

1.2. Ouderdom:

19 - 24 jaar	<input type="checkbox"/>
25 - 30 jaar	<input type="checkbox"/>
31 - 36 jaar	<input type="checkbox"/>
37 - 42 jaar	<input type="checkbox"/>
43 - 48 jaar	<input type="checkbox"/>
49 - 54 jaar	<input type="checkbox"/>
55 en ouer	<input type="checkbox"/>

1.3. Hoogste kwalifikasies:

Graad 7 en laer	<input type="checkbox"/>
Graad 8 - 10	<input type="checkbox"/>
Graad 11 - 12	<input type="checkbox"/>
Diploma	<input type="checkbox"/>
Sertifikaat	<input type="checkbox"/>
Graad	<input type="checkbox"/>

1.4. Hoe lank is u in diens van die SAPD?

0 - 5 jaar	<input type="checkbox"/>
6 - 10 jaar	<input type="checkbox"/>
11 - 15 jaar	<input type="checkbox"/>
16 - 20 jaar	<input type="checkbox"/>
meer as 20 jaar	<input type="checkbox"/>

1.5. Huwelikstatus:

Getroud	<input type="checkbox"/>
Weduwee	<input type="checkbox"/>
Geskei	<input type="checkbox"/>
Vervreemd	<input type="checkbox"/>
Nog nooit getroud	<input type="checkbox"/>
Woon saam	<input type="checkbox"/>

2. MANLIKE WERKNEMERS SE OPTREDE TEENoor VROULIKE WERKNEMERS BY DIE WERKPLEK

Dui aan of u al ooit enige van die volgende situasies ervaar het in die werkplek. Indien wel, dui al die situasies aan wat u al ervaar het, asook wie daarvoor verantwoordelik was.

2.1. Aard van ongewenste situasies

- 2.1.1. (A) Het u al ongewenste briewe, oproepe, geskrewe dokumente van 'n seksuele aard ontvang van 'n persoon by die werk?

Ja	
Nee	
Onseker	

- (B) Wie was die persoon?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.2. (A) Het u al ongewenste seksueel suggestiewe kyke of gebare ervaar van 'n persoon by die werk?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.3. (A) Het u al ongewenste seksuele terger, - grappe, - aanmerkings of - vrae ervaar van 'n persoon by die werk?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.4. (A) Het 'n persoon by die werk u al ongewens, doelbewustelik aangeraak, u in 'n hoek vasgekeer of geknyp?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van publiek	

- 2.1.5. (A) Het 'n persoon by die werk al op u ongewenste druk toegepas om met hom uit te gaan?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.6. (A) Het 'n persoon by die werk al ongewenste druk op u uitgeoefen om seksuele gunste te ontvang?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.7. (A) Het u al in u werkplek 'n werklike of poging tot verkragting of seksuele aanranding ervaar?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

- 2.1.8. (A) Het 'n persoon by die werk u al gedreig of geïnisueer dat indien u weier om aan seksuele eise te voldoen, dit u diens, salaris, vordering of ander werktoestande sal affekteer?

Ja	
Nee	
Onseker	

- (B) Watter van die volgende persone het die gedrag geopenbaar?

hoër vlak toesighouer	
onmiddellike toesighouer	
kollega	
ander werknemer	
ondergeskikte kollega	
kliënt/lid van die publiek	

2.2. **Frekwensie van ongewenste situasies**

Indien u enige van bogenoemde situasies ervaar het, hoe dikwels het dit plaasgevind? {Merk slegs een antwoord met 'n kruis (X).}

slegs een keer	<input type="checkbox"/>
'n paar keer	<input type="checkbox"/>
baie kere	<input type="checkbox"/>

2.3. **U aandeel in die ongewenste situasie**

Indien u enige van bogenoemde situasies ervaar het, hoe verantwoordelik was u volgens u mening daarvoor? (Motiveer u antwoord.)

baie verantwoordelik	<input type="checkbox"/>
in 'n mate verantwoordelik	<input type="checkbox"/>
net 'n bietjie verantwoordelik	<input type="checkbox"/>
glad nie verantwoordelik nie	<input type="checkbox"/>

3. **DIE PERSOON VERANTWOORDELIK VIR SEKSUELE TEISTERING**

Indien u seksuele teistering by die werkplek ervaar het, beantwoord die volgende vrae oor die enigste of die ergste van u ervaringe en beskryf u verhouding met die persoon.

- 3.1. Hoe lank het u saam met die persoon gewerk of was u bekend met hom, toe die insident plaasgevind het?

minder as 1 maand	<input type="checkbox"/>
1 tot 3 maande	<input type="checkbox"/>
4 - 6 maande	<input type="checkbox"/>
meer as 6 maande	<input type="checkbox"/>

- 3.2. Hoe het u na die insident met die persoon oor die weg gekom? (Motiveer jou antwoord.)

beter	<input type="checkbox"/>
dieselfde	<input type="checkbox"/>
slegter	<input type="checkbox"/>
onseker	<input type="checkbox"/>

- 3.3. Het hierdie persoon, volgens u wete, al op 'n soortgelyke wyse opgetree teenoor ander vroue by die werk? (Motiveer jou antwoord.)

ja	<input type="checkbox"/>
nee	<input type="checkbox"/>
onseker	<input type="checkbox"/>

- 3.4. (A) Was die persoon van dieselfde etniese groep as u?

Ja	<input type="checkbox"/>
Nee	<input type="checkbox"/>

- (B) Indien nie, aan watter van die volgende etniese groepe het hierdie persoon behoort?

Swart	
Kleurling	
Indiër	
Blank	

- 3.5. Hoe oud is die persoon volgens u kennis?

19 - 24 jaar	
25 - 30 jaar	
31 - 36 jaar	
37 - 42 jaar	
43 - 48 jaar	
49 - 54 jaar	
55 jaar en ouer	

- 3.6. Wat is die man se huwelikstatus?

getroud	
wewenaar	
geskei	
vervreemd	
nog nooit getroud	
woon saam	
onseker	

- 3.7. Hoe aantreklik vind vroue die persoon na u mening? (Motiveer u antwoord.)

baie aantreklik (bo gemiddeld)	
gemiddeld aantreklik	
onaantreklik	
onseker	

4. **U REAKSIE OP DIE INSIDENT(E)**

Die volgende vrae handel oor u reaksie op die insident wat u ervaar het en u hantering daarvan.

- 4.1. **Ervaring van ongewensde insident**

- 4.1.1. Hoe het u reageer nadat u die persoon se ongewensde gedrag ervaar het? (Merk meer as een indien toepaslik.)

PERSOONLIKE REAKSIES EN HANTERINGSTRATEGIEë	
ignoreer dit/doen niks	
vermy die man	
maak 'n grap oor die gedrag	
voel gelei/geklomplimenteer	
speel saam en sien dit as 'n geleentheid vir werk-verbetering of sosialisering	
speel saam uit vrees vir wraak of om die vrede te bewaar	
verander jou optrede en voorkoms	
FISIESE EN SELFHANDHAWENDE GEDRAG	
val die persoon verbaal aan, dreig, stel hom in die verleentheid, spot, vloek, skree op hom	
klap, slaan, skop, stoot hom weg, verwyder sy hand, bied fisies weerstand	
vra/sê die man om te stop	
skryf 'n nota, lieg/bedrieg om die man af te sit	
rapporteer die gedrag aan toesighouer/bestuurder	
dreig om te vertel of vertel ander werkers	
bespreek dit met mense buite die werk (vriende/familie)	
GEDRAG BINNE WERKSOPSET	
neem dae af by die werk	
vra vir 'n oorplasing	
bedank	

FORMELE AKSIES	
rapporteer dit aan die vakbond	
versoek die maatskappy om die saak te ondersoek	
stel 'n grief in	
vra vir 'n eksterne agentskap om die saak te ondersoek	
neem wetlike aksie/gaan hof toe	

4.2. **Hantering van die ongewenste insident**

4.2.1. Indien u geen van die ongewenste/ontstellende gedrag aan enige een gerapporteer het nie, waarom nie? (Merk meer as een indien toepaslik.)

ONKUNDE	
het nie geweet watter aksie om te neem nie	
het nie geweet met wie om te praat nie	
het gedink dit was my eie fout/moes dit voorkom het	
het nie rede gesien om dit te rapporteer nie	
het nie gedink dit was ernstig nie	
geen interne klagte-prosedure het bestaan nie	
PERSOONLIKE OPINIES	
wou nie 'n ophef daarvan maak nie	
wou nie dom lyk nie	
sou te veel tyd en moeite in beslag neem	
PERSOONLIKE VRESE EN GEVOELENS	
het nie gedink enigiets sou daaraan gedoen word nie	
was bang vir die gevolge	
was bang hy sal wraak neem/my viktimiseer	
wou nie die man seermaak nie	
was verleë/in die verleentheid	
ander (spesifiseer)	

4.2.2. Indien u wel vir iemand vertel het, wie was die persoon/persone? (Merk meer as een indien toepaslik.)

vriend(e)	
ouers	
kollega(s)	
toesighouer/bestuurder	
vakbondverteenvoordiger	
berader/terapeut	
dokter	
ander (spesifiseer)	

4.3. **Gevolge van hantering van die insident**

4.3.1. Indien u wel met iemand gepraat het oor u ervaring, wat was die uitwerking daarvan? (Motiveer u antwoord.)

het die situasie verbeter	
het die situasie slegter gemaak	
het geen verskil gemaak nie	

4.3.2. Indien u enige van die insidente gerapporteer het, hoe het die bestuur reageer op die aksie wat u geneem het? (Merk meer as een indien toepaslik.)

bevind my aanklag as waar	
bevind my aanklag as vals	
korrigeer die skade wat my aangedoen is	
het aksie geneem teen die persoon wat my gepla het	
was vyandig of het aksie teen my geneem	
het niks gedoen nie	
die aksie is nog aan die gang	
weet nie of bestuur enigiets gedoen het nie	

4.3.3. Indien u die insident gerapporteer het, het u enige negatiewe gevolge/vergelding agterna ervaar? (Motiveer u antwoord.)

ja	
nee	

4.3.4 Indien u enige negatiewe gevolge/vergelding ervaar het, watter vorm het dit aangeneem? (Merk meer as een indien toepaslik.)

verbale mishandeling/uitskel	
geen samewerking van manlike kollegas	
swak persoonlike aanbevelings/verwysings	
swak posevaluasies/bonusevaluerings	
onmoontlike prestasiestandaarde	
verlaging in rang	
oorplasing na minder bevredigende werk	
verswakking van skofpatroon/ure	
beëindiging van diens	
weiering van bevordering	
onbillike salaris	
onaangename/aanstootlike werksomstandighede	
ander (spesifiseer)	

5. **EFFEK VAN SEKSUELE ERVARINGE OP VROUE**

Die impak van hierdie seksuele ervaring(e) op u as persoon, sowel as werknemer, word deur die volgende vrae ondersoek.

5.1. Hoe sal u u emosionele respons/reaksie na hierdie ervaring(e) beskryf? (Merk meer as een indien toepaslik.)

woede	
vrees	
geïntimideer	
skuldgevoelens	
verleentheid	
geleidheid	
senuweagtigheid	
beledigende gevoel	
vriendelikheid	
gewalgd/'n afkeer van	
plesierig	
geen effek	
ander	

5.2. Het u enige van die volgende sielkundige en fisiese reaksies ervaar na die insident(e)? (Merk meer as een indien toepaslik.)

spanning, irritasie, depressie	
vrees en angstigheid	
migraine	
toename in alkohol, sigaret en/of dwelmmisbruik	
slaaploosheid en moegheid	
probleme met gewig en dieet	
gevoel van magteloosheid/hulpeloosheid/kwesbaarheid	
koronêre hartsiekte	
probleme met gesins- en persoonlike verhoudings	
fisiese en geestesiektes	
geen effek	
ander	

- 5.3. Het enige van hierdie insident(e) u werksituasie op enige van die volgende maniere beïnvloed: (Merk meer as een indien toepaslik.)

u minder vriendelik gemaak	<input type="checkbox"/>
u anders laat aantrek	<input type="checkbox"/>
u mans laat vermy	<input type="checkbox"/>
u belangstelling in u werk laat verloor	<input type="checkbox"/>
u kanse vir bevordering benadeel	<input type="checkbox"/>
u werkprestasie geaffekteer	<input type="checkbox"/>
u 'n oorplasing laat versoek	<input type="checkbox"/>
u geïsoleerd laat voel van ander werknemers	<input type="checkbox"/>
u laat sukkel om te konsentreer	<input type="checkbox"/>
u omgaan met ander beïnvloed	<input type="checkbox"/>
u afwesigheid van werk vermeerder	<input type="checkbox"/>
u werkbevrediging te affekteer	<input type="checkbox"/>
u werk te bedank	<input type="checkbox"/>
afgedank te word	<input type="checkbox"/>
geen effek	<input type="checkbox"/>
ander (spesifiseer)	<input type="checkbox"/>

6. HANTERING VAN SEKSUELE TEISTERING IN DIE WERKPLEK

- 6.1. Dink u dat seksuele teistering (deur kollegas) slagoffers in so 'n mate bedreig dat formele aksie geregverdig kan word? (Motiveer u antwoord.)

ja	<input type="checkbox"/>
nee	<input type="checkbox"/>
onseker	<input type="checkbox"/>

- 6.2. In hoe 'n mate is seksuele teistering (na u mening) 'n probleem by u standplaas? (Motiveer u antwoord.)

'n groot probleem	<input type="checkbox"/>
'n klein probleem	<input type="checkbox"/>
geen probleem nie	<input type="checkbox"/>

- 6.3. Beskik die SAPD volgens u wete oor 'n beleidsdokument ten opsigte van seksuele teistering?

ja	<input type="checkbox"/>
nee	<input type="checkbox"/>
onseker	<input type="checkbox"/>

- 6.4. Hoe bekend is u met die inhoud van hierdie beleidsdokument?

redelik bekend	<input type="checkbox"/>
goed bekend	<input type="checkbox"/>
geensins bekend	<input type="checkbox"/>

6.5 Is u ten gunste van hierdie beleidsdokument? (Motiveer u antwoord.)

ja	
nee	
onseker	

U tyd en moeite met die voltooiing van hierdie vraelys word waardeur.

Rita Retief
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POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

1. INTRODUCTION

Everyone has inherent dignity and has the right to have his/her dignity respected and protected.

NB! In terms of regulation 18(34) of the South African Police Service Discipline Regulations, 1996, sexual harassment is regarded as misconduct.

The South African Police Service is committed to providing a work environment which is free of harassment, to promote and advance sound and productive working relations and mutual respect among employees.

2. POLICY STATEMENT

The purpose of the policy is to contribute to the creation and maintenance of an environment of mutual respect and professional conduct in the workplace, by ensuring a systematic and effective method of resolving the problem of sexual harassment in a manner that is consistent with the basic principles underpinning the Constitution.

3. WHAT IS SEXUAL HARASSMENT?

3.1 *Sexual harassment includes but shall not be limited to -*

- a sexual demand, the non-compliance of which could result in certain actions being taken by the harasser.
- comments or conduct of a sexual nature which the harasser reasonably ought to have known would be objectionable to the harassed employee or person; or
- comments or conduct of a sexual nature resulting in the creation of a work environment in which the dignity of a person is impaired.

3.2 *Sexual harassment may consist of any or all of the following, and may be of a serious or less serious nature:*

3.2.1 Unwanted sexual advances

3.2.2 Requests for sexual favours in return for employment benefits

3.2.3 Verbal abuse having sexual overtones

3.2.4 Innuendoes, including remarks or insinuations about a person's sex life or private life

3.2.5 Unwanted infringement of an individual's personal space, which leads to discomfort

- 3.2.6 Suggestive comments about a person's appearance, body or clothing
- 3.2.7 Physical contact, including touching
- 3.2.8 Obscene gestures, indecent exposure
- 3.2.9 Staring, leering, whistling
- 3.2.10 Any physical or computerized display of sexually offensive or explicit material
- 3.2.11 Direct sexual propositioning
- 3.2.12 Continued pressure for dates and/or sexual favours
- 3.2.13 Letters or calls of a sexual nature; or
- 3.2.14 Any of the above as a form of coercion or blackmail for advancement, or in the event of the recipient's refusal, resulting in a lack of advancement or dismissal.
- 3.3 In cases of sexual harassment the consequence (not the intentions) is of prime importance. This means that the severity of the harassment is largely determined by the impact it has on the victim and not by the intent of the perpetrator.
- 3.4 In every instance in which sexual harassment is or could be experienced, employees ought to indicate that they do not approve of what is being said, done or suggested. This is important, since everyone's perception of sexual harassment differs, and what constitutes sexual harassment for one person may not necessarily be experienced as such by another.
- 3.5 Sexual harassment does not refer to behaviour or occasional compliment which are acceptable to the recipient. Neither can the mutual attraction between two persons be regarded as sexual harassment, as this is a private matter between them.

4. POLICY GUIDELINES

- 4.1 The Service endeavours to address and remedy instances of sexual harassment in a correct and efficient manner and to create a climate which is conducive to employees reporting any incident of sexual harassment without fear of reprisal. Every complaint of sexual harassment will be viewed in a serious light.
- 4.2 As sexual harassment is regarded as misconduct, it is the duty of management and employees to take active steps to ensure that employees are not subjected to this form of degradation in the workplace.
- 4.3 Protection against acts of harassment extends to incidents occurring in or away from the workplace, during or outside of the usual working hours, provided that these acts are committed within the course of employment, or have or will have, an adverse effect on the workplace.

- 4.4 In the case of any allegation of sexual harassment, whether or not it is found to be an incident of sexual harassment, management must ensure that any victimization that may later result from lodging the complaint, is dealt with most severely. Disciplinary steps will be taken against personnel who victimize or intimidate a complainant.
- 4.5 Disciplinary steps will be taken against employees who lodge false accusations.
- 4.6 If the alleged harasser is found not to have committed misconduct, no disciplinary action shall be taken against an employee who has filed a complaint in good faith.
- 4.7 All information must be treated with the utmost confidentiality. Parties involved in an allegation of sexual harassment are, in their own best interest, advised not to discuss the matter with colleagues who are not involved and who are not representing them in the matter.
- 4.8 Training and awareness-raising programmes which encourage gender-sensitive practices and behaviour will be included in the Service's education programmes to educate management and employees about the rights and appropriate procedure pertaining to cases of sexual harassment.

5. **REPORTING**

As a result of the sensitive nature of instances of sexual harassment, suitably qualified and appropriately trained persons employed by the Service must be made available at national, provincial and area level to deal with complaints of sexual harassment. An employee who has been harassed at any stage or is at present being harassed, is encouraged to report the matter to the designated officer dealing with sexual harassment complaints. An employee may be assisted by a union representative or co-worker when a complaint of sexual harassment is made.

6. **REPORTING PROCEDURES**

- 6.1 Any allegation of sexual harassment must as soon as possible after the incident allegedly took place be reported to -

- the officer dealing with sexual harassment,

OR

- the harasser's commander

OR

- if the commander is involved, the senior of such a commander.

- 6.2 The officer dealing with sexual harassment, the commander or the senior of such a commander to whom the harassment is reported, is required to refer the employee who has been sexually harassed for professional help. Professional counselling by either internal or external social workers, psychologists, psychiatrists or any other suitable person specializing in this field, must be provided according to the preference of the harassed employee.

- 6.3 If allegations of sexual harassment are reported directly to a commander or the senior of such a commander, the officer dealing with sexual harassment must be informed immediately of the complaint. The employee who has allegedly been harassed must be informed that the matter has been reported, to the relevant officer and be provided with the name and contact telephone number of the officer concerned.
- 6.4 The allegations of sexual harassment must be investigated immediately and as confidentially as possible by the officer nominated to deal with sexual harassment and if he/she is not available, by the person to whom the matter was reported in terms of paragraph 6.2 and must be dealt with in terms of the Disciplinary Regulations.
- 6.5 If the alleged harasser is a member appointed in terms of the Public Service Act, 1994 (Proclamation No 103 of 1994) the disciplinary steps in terms of sections 20 to 26 of the Public Service Act, 1994, shall apply.
- 6.6 The disciplinary steps must be taken after consultation with the officer dealing with sexual harassment and he/she must be informed of the result of the proceedings.
- 6.7 All departmental/criminal convictions of sexual harassment must be captured on a database by the relevant officer dealing with sexual harassment. If steps were taken in terms of the Disciplinary Regulations, the result of the proceedings must also be captured on the database.
- 6.8 A multidisciplinary team must be established by the National Commissioner at national and provincial level, to monitor trends of sexual harassment in the Service and to advise on preventive measures.

SAPD GRIEWE PROSEDURE

APPENDIX C

STAP 1

'n Gegriefde dien sy grief skriftelik in op die voorgeskrewe vorm aan sy onmiddellike toesighouer.

Indien die gegriefde nie binne 2 dae terugvoer ontvang nie, volg die gegriefde stap 2. Indien die grief teen die onmiddellike toesighouer is, volg die gegriefde direk stap 2.

STAP 2

Die gegriefde oorhandig die voorgeskrewe vorm aan die komponentshoof. Die komponentshoof bepaal binne 3 dae of die grief binne sy bevoegdheid val-indien nie-verwys hy/sy dit na die vlak van gesag wat die bevoegdheid om die grief te besleg.

Indien die grief binne die bevoegdheid van die komponentshoof val, het die komponentshoof 5 dae van ontvangs van die grief om terugvoer te verskaf.

Indien die gegriefde nie binne 5 dae terugvoer ontvang nie, of nie tevrede is met die terugvoer ontvang nie, volg die gegriefde stap 3.

STAP 3

Die gegriefde neem sy grief na die volgende hoër gesagsvlak. Die gesagsvlak moet binne 5 dae terugvoer gee. Indien die gegriefde nie binne 5 dae terugvoer ontvang nie, of nie tevrede is met die uitslag nie, volg gegriefde stap 4.

STAP 4

Die gegriefde moet sy/haar grief op die genoemde vorm aan die Nasionale en Provinsiale Kommissaris rig. Die Kommissaris moet binne 10 werksdae vanaf ontvangs van die grief die volgende aksiestappe neem:

- 'n ondersoek laat doen en;
- 'n vergadering belê wat deur die volgende persone bygewoon moet word om die grief deur middel van konsensus te besleg:
 - (1) die gegriefde, of nie meer as drie persone gekies deur die gegriefde in die geval van 'n groepsbrief, asook 'n verteenwoordiger;
 - (2) lede van die bestuurskader wat by die grief betrokke is.

STAP 5

Indien daar stap 4 nie daarin geslaag kan word om konsensus te bereik nie, kan die gegriefde binne 30 dae by die Nasionale Kommissaris aansoek doen om mediasie of arbitrasie.

Die Nasionale Kommissaris konsulteer binne 20 dae met die gegriefde om te bepaal of die grief vir arbitrasie of mediasie verwys word, met dien verstande dat waar partye nie op 'n aanvaarbare dispuutoplossingsmeganisme ooreenkom nie, die grief vir arbitrasie verwys moet word.

Die reelings in verband met die mediasie en/of arbitrasie sal tussen die betrokke Kommissaris en die gegriefde bepaal word.

APPENDIX D

DISCIPLINE

IN THE SOUTH AFRICAN POLICE SERVICE

INSTITUTING DISCIPLINARY PROCEEDINGS

The following discussion will lead the Commander logically through the disciplinary procedure. (Regulation 8 of the SAPS Discipline Regulations, 1996).

PHASE 1

The Commander, who with reason, suspects that an employee under his or her command has committed a misconduct.

PHASE 2

In this phase the commander must determine whether this alleged misconduct constitutes serious misconduct or misconduct which is not serious. In the case of serious misconduct please follow Phase 7 and in the case of conduct which is not serious, Phase 3 must be followed.

PHASE 3

The commander in person or a senior member of his personnel must interview the employee concerned, with the following purpose:

- To determine whether misconduct has been committed;
- To ascertain the reason for the misconduct;
- Where appropriate, implement counselling, corrective and/or remedial measures;
- To return the employee to the required standard of conduct.

The commander shall forthwith follow Phase 4 in the following cases:

- In cases in which the Commander is of the opinion that corrective and/or remedial measures are in appropriate;
- In cases in which the counselling, corrective and/or remedial measures fail to return the employee to the required standard of conduct.

PHASE 4

The Commander must in this phase determine whether the employee admits to the suspected misconduct. If the employee does not admit to the

misconduct, Phase 7 must be followed. If the employee admits to this misconduct, the Misconduct Procedure Phase 5 (oral warning) must be followed.

In the following cases Phase 6 (written warning) must be followed:

If, in the previous 12 months the employee has admitted to, or has been found to have committed misconduct, which is similar or related to the misconduct concerned, the employee has received two oral warnings in respect of dissimilar or unrelated misconduct.

PHASE 5 Oral warnings

The Commander must warn the employee orally. The warning must be recorded on the conduct sheet and the conduct sheet filed in the file of the employee. The warning shall lapse after a period of 12 months.

PHASE 6 Written warnings

The Commander shall, in writing, warn the employee concerned. Record the warning on the conduct sheet and file a copy of the warning in the personal file of the employee. The warning must be signed by the employee and, if he refuses to sign it, an affidavit from the commander or from a witness must be taken to confirm the refusal. Follow Phase 8.

PHASE 7

The commander must initiate an investigation into the alleged misconduct. Follow Phase 8.

PHASE 8

A report must be submitted for the consideration of the disciplinary officer/official in whose area of jurisdiction the employee is stationed. Regulation 6(4) provides for the content of the report.

PHASE 9

In terms of Regulation 9, a disciplinary officer/official after considering the report, may decide to charge the employee with the misconduct.

